

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 27] NEW DELHI, SATURDAY, AUGUST 16, 1958/SRAVANA 25, 1880

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th August, 1958 :—

Issue No.	No. and date	Issued by	Subject
147	S.O. 1581, dated the 2nd August 1958.	Ministry of Information and Broadcasting.	Certification of films to be of the description specified therein.
148	S.O. 1582 to S.O. 1586, dated the 4th August 1958.	Election Commission, India	Notifications regarding election to fill a vacancy in the seats allotted to the State of Assam in the Council of States.
149	S.O. 1632, dated the 6th August 1958.	Ministry of Law	Appointment of a person to verify the petition to the High Court at Calcutta, signed by the Coal Controller, Calcutta in the matter of arbitration award, dated 13th June 1958. (Case No. 165 of 1957).

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF LAW

New Delhi, the 6th August 1958

S.O. 1641.—In exercise of the powers conferred by clause (1) of article 200 of the Constitution, the President hereby directs that all agreements to be made in exercise of the executive power of the Union, in connection with the technical

assistance from the Government of the Federal Republic of Germany for the establishment of the Indian Institute of Technology, Madras, shall be executed on his behalf by the Ambassador of India in Bonn.

[No. F.44(8)/58-J.]

P. K. BOSE, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

INSURANCE

New Delhi, the 6th August 1958

S.O. 1642.—In pursuance of the provisions of Sub-Section 2 of Section 64G of the Insurance Act, 1938, the Central Government hereby nominates Shri J. S. Dalal, Manager, Oriental Fire and General Insurance Company Limited, Bombay, and Indian Guarantee and General Insurance Company Limited, Bombay, as a member of the Executive Committee of the General Insurance Council of the Insurance Association of India in place of Shri S. N. Vaidya, resigned.

[No. 51(29)Ins. 1/57.]

P. GANGULEE, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 6th August 1958

S.O. 1643.—Statement of the Affairs of the Reserve Bank of India, as on the 1st August, 1958.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	22,41,48,000
Reserve Fund	80,00,00,000	Rupee Coin	3,34,000
National Agricultural Credit (Long-term Operations) Fund	25,00,00,000	Subsidiary Coin	2,92,000
National Agricultural Credit (Stabilisation) Fund	3,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
Deposits :—		(b) External
(a) Government		(c) Government Treasury Bills	50,35,000
(1) Central Government	60,24,66,000	Balances held abroad*	13,05,58,000
(2) Other Governments	24,39,90,000	Loans and Advances to Governments	11,21,85,000
(b) Banks	109,73,08,000	Other Loans and Advances†	55,52,27,000
(c) Others	142,66,79,000	Investments	351,15,39,000
Bills Payable	15,92,96,000	Other Assets	11,15,21,000
Other Liabilities	9,11,00,000		
TOTAL	475,08,39,000	TOTAL	475,08,39,000

*Includes Cash & Short Term Securities.

† The item 'Other Loans and Advances' includes Rs. 6,93,72,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 1st day of August 1958

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	22,41,48,000		A. Gold Coin and Bullion :—		
Notes in circulation	<u>1539,90,71,000</u>		(a) Held in India	117,76,03,000	
Total Notes issued		1562,32,19,000	(b) Held outside India	
			Foreign Securities	<u>179,67,56,000</u>	
			TOTAL OF A		297,43,59,000
			B. Rupee Coin		135,62,44,000
			Government of India Rupee Securities		1129,26,16,000
			Internal Bills of Exchange and other commercial paper
TOTAL—LIABILITIES		1562,32,19,000	TOTAL—ASSETS		1562,32,19,000

Dated the 6th day of August 1958.

H. V. R. IENGAR, Governor

[No. F. 3 (2)-F.1/58.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

ORDERS

STAMPS

New Delhi, the 5th August 1958

S.O. 1644.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the lease deed dated the 19th June, 1958, executed by the High Commissioner for the United Kingdom in India, in respect of the ground and first floor flats at No. 83/48, Chanakya Puri, New Delhi, is chargeable under the said Act.

[No. 26. F. No. 1/55/58-Stamps/Cus. VII.]

New Delhi, the 8th August, 1958

S.O. 1645.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the lease deed dated the 11th July, 1958, executed by the High Commissioner for the United Kingdom in India in respect of bungalow at No. 30A, Friends Colony, New Delhi, is chargeable under the said Act.

[No. 27. F. No. 1/57/58-Stamps/Cus. VII.]

B. B. GUJRAL, Under Secy.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA

CENTRAL EXCISE

Calcutta, the 1st August 1958

S.O. 1646.—In exercise of the powers conferred on me by rule 5 of Central Excise Rules, 1944, I hereby make the following amendment to the Collectorate Notification No. 4-Ex(MP)/57, dated 6th April, 1957.

For the existing entry in Column 3 against Rule 210A appearing under the Assistant Collector of Central Excise, the following shall be substituted, namely:—

“Cases where the value of the goods exceeds Rs. 5,000 shall be reported to the Collector.”

[No. 14/1958.]

S. C. MATHUR,

Collector of Central Excise, Calcutta.

MINISTRY OF COMMERCE AND INDUSTRY

TRADE MARKS

New Delhi, the 6th August 1958

S.O. 1647.—In pursuance of sub-rule (3) of rule 138 of the Trade Marks Rules, 1942, it is hereby notified that in exercise of the powers conferred by sub-rule 1(b) of the said rule the Central Government has removed from the Agents' Register the name of Shri V. S. Govindan.

[No. 6(4)-TMP/58.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER.

New Delhi, the 9th August, 1958

S.O. 1648.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 18A of the Industries (Development and Regulation) Act,

1951, (65 of 1951) the Central Government hereby makes the following amendment in the Order of the Government of India, Ministry of Commerce and Industry, No. S.O. 867, dated the 15th May, 1958, namely:—

In the said Order under the heading 'Members' after serial No. 8, the following shall be inserted, namely:—

“(9) Shri A. P. Sarkar.—(formerly Deputy Financial Adviser, Eastern Railways, Calcutta). He is also authorised to function as whole time Financial Controller of Messrs Jessop and Company Ltd., Calcutta”.

2. The amendment hereby made shall be deemed to have come into force on and from the 2nd August, 1958.

[No. IDRA/18A(3)/58].

B. B. SEKSENA, Jt. Secy.

(Indian Standards Institution)

New Delhi, the 5th August 1958

S.O. 1649—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that two licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the licence	Relevant Indian Standard	
		From	To				
1	CM/L-94 4-8-1958	15-8-1958	14-8-1959	M/s. Enco Ply-wood and Sawmills Industries, Siliguri, P. O. Siliguri, District Darjeeling.	Tea-Chest Ply-wood Panels.	IS: 10-1953	Spec-ification for Plywood Tea-Chests (Revised)
2	CM/L-95 4-8-1958	15-8-1958	14-8-1959	The National Electrical Industries Ltd., Industrial Estate, Lalbaug, Bombay—12.	Threephase Induction Motors for Industrial Use, from 1 hp to 10 hp.	IS: 325-1956	Spec-ification for Three phase Induction Motors for Industrial Use (Amended).

[No. MDC/12(203).]

D. V. KARMARKAR,
Deputy Director (Marks).

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines & Fuel)

New Delhi, the 6th August 1958

S.O. 1650.—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952, (12 of 1952), read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, and in supersession of the notification of the Government of India in the Ministry of Steel,

Mines and Fuel, No. S.R.O. 2550 dated the 1st August, 1957, the Central Government reconstitutes with effect from the 1st August, 1958, the Advisory Committee on Stowing, which shall consist of the following persons, namely:—

Shri P. M. Nayak, I.C.S., Chairman, Coal Board—Chairman (nominated by the Coal Board).

Shri S. S. Grewal, Chief Inspector of Mines in India.—Member.

Dr. A. Lahiri, Director, Fuel Research Institute.—Member.

Shri D. Hogg, Messrs. Macneill and Barry Limited and Shri R. P. Rosser, Messrs. Bengal Coal Company Limited.—Members (representatives nominated by the Indian Mining Association).

Shri Amrit Lal J. Chanchani, 135, Canning Street, Calcutta.—Member (representative nominated by the Indian Mining Federation).

Shri S. P. Poddar, Messrs. Jaipuria Kajora Collieries Ltd., Ondal.—Member (representative nominated by the Indian Colliery Owners' Association).

[No. C5-4(4)/58.]

N. S. MANI, Jt. Secy.

(Department of Mines & Fuel)

New Delhi, the 7th August 1958

S.O. 1651.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government hereby gives notice of its intention to prospect for coal therein.

SCHEDULE

Korea Block-II

PLAN No. HQ/263.

Sl. No.	Name of village	Tahsil	Tahsil No.	District	Area	Remarks
1	Bhukbhuki	Manendragarh	156	Surguja	14.76 Sq. miles (approx.)	Part.
2	Dubchola	Manendragarh	83	Surguja		Part.
3	Banjaridand	Manendragarh	149	Surguja		Whole
4	Govt. Forest	Manendragarh	..	Surguja		Part.
TOTAL					14.76 Sq. miles	(Approx.)

Boundary description.

A—B—C Line passes through village Bhukhbhuki.

C—D line passes through village Bhukhbhuki and Government forest.

D—E line passes through Reserve forest.

E—F—G—H—I—J line passes through Reserve forest.

J—K line passes through Reserve forest up to Western Boundary of Banjaridand village.

K—L line passes along Western boundary of Banjaridand village.

L—M line passes along common boundary of Manendragarh and Baikunthpur Tahsil.

M—N—O line passes through Eastern boundary of village Banjaridand.

O—P line passes along Southern Boundary of village Banjaridand and through Reserve forest upto Eastern boundary of Dubchola.

P—Q line passes along Eastern boundary of village Dubchola.

Q—A line passes along Southern boundary of village Dubchola and Bhukhbhuki.

The map of this area can be inspected at the office of the National Coal Development Corporation (P) Ltd (Revenue Section), Darbhanga House, Ranchi or at the office of the Collector, Surguja (M.P.).

[No. C2-6(15)/57.]

A. S. GREWAL, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 8th August, 1958

S.O. 1652.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendments in the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.R.O. 219 dated the 11th January, 1958:—

In the annexure to the said notification:

(1) for the existing heading of column 6 the heading "Period of probation, if any (for only permanent vacancies)" shall be substituted;

(2) under "A HEAD QUARTERS-NON-MINISTERIAL (TECHNICAL)," (i) in column 5, for the existing entries against item 1 the following entries shall be substituted, namely:—

A—A degree in Mathematics or in Agriculture or Arts or Commerce or Statistics and 3 years practical experience as Statistical Clerk or Calculating Machine Operator;

B—Educational and age qualifications do not apply to persons who have 8 years practical experience as Calculating Machine Operator and Statistical Clerk or 3 years as Statistical Clerk;

(ii) for existing entry in column 2 against item 4 the entry "Rs. 160—10—350" shall be substituted;

(3) under head "A, Headquarters" after the entries in sub-head 1 "NON-MINISTERIAL (TECHNICAL)", the sub-head and entries as in the attached statement shall be inserted;

(4) in line 8 against item 3 of column 5 under "B. SUB-OFFICES-I-NON-MINISTERIAL-TECHNICAL" for the word "facts" the word "fats" shall be substituted.

Statement

1	2	3	4	5	6	7	8	9	10
1 Translator (Hindi)	Rs. 160—10—330 CSS-Class III Non-Gazetted Ministerial.	Not appli- cable.	Below 25 years.	1. Degree of a recognised University with Hindi as a special subject or equivalent. 2. About 3 years ex- perience in Hindi Journalism or trans- lation involving Hindi (RELAXATION CLAUSE).	One year.	By direct re- cruitment 100%	Not appli- cable.	Not appli- cable.	Not appli- cable.

[No. F. 1/58-AM(1)]

S.O. 1653.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the methods of recruitment of persons to the posts of Technical Assistants in the Directorate of Marketing and Inspection, namely:—

1. **Short title.**—These rules may be called the Directorate of Marketing and Inspection (Technical Assistants) Recruitment Rules, 1958.

2. **Application etc.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules and the number of posts, their classification and the scales of pay attached thereto shall be as specified in column 2 to 4 of the said Schedule.

3. **Recruitment.**—The method of recruitment to the posts aforesaid, the qualifications and age limit required in respect of the candidates recruited to them and other matters relating to those posts shall be as set out in columns 5 to 13 of the Schedule aforesaid.

SCHEDULE

Recruitment Rules for the Post of Technical

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required
1	2	3	4	5	6	7
1. Technical Assistant.	3	Non-Ministerial (G.E. S. Class III)	Rs. 160-10-330	Not applicable.	Below 25 years.	A degree of a recognised University preferably in Agriculture. About one year's experience in Agricultural Extension and knowledge of agricultural commodities.
2. Technical Asst. (Publication).	1	—do—	160-10-300-EB-15-450.	—do—	—do—	—do—
3. Technical Asst. (Marketing Journal).	1	—do—	160-10-330	—do—	—do—	(i) Degree of a recognised University preferably in Agriculture. (ii) Journalistic experience in a magazine devoted to Agriculture, Agricultural Marketing or extension work. (iii) Familiarity with marketing of Agricultural Commodities or extension work pertaining them.
4. Technical Assistant (Fruit Products.)	1	—do—	—do—	—do—	—do—	(i) A Degree of a recognised University preferably in Agriculture or 3 year's diploma in Fruit/Food Technology. (ii) Experience in Agricultural Extension work. <i>Desirable.</i> Experience in fruit preservation factories and laboratories.

Assistant Class II Non-Gazetted in the Dtc. of Marketing and Inspection.

Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of rectt. whether by directed rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/transfer, grades from which promotion to be made	If a D.P.C. exists what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment.
8	9	10	11	12	13
Does not arise.	1 year	Direct Recruitment 100%	Does not arise.	Not applicable.	No applicable.
—do—	—do—	—do—	—do—	—do—	—do—
—do—	—do—	—do—	—do—	—do—	—do—
—do—	—do—	—do—	—do—	—do—	—do—

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 7th August 1958*

S.O. 1654.—In exercise of the powers conferred by Section 82-B of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby appoints Shri Akbar S. Sarela, District and Sessions Judge, Thana, Government of Bombay, as Claims Commissioner to deal with all claims for compensation arising out of the railway accident involving collision of K 11 Down and K 13 Down Local Trains at Diva Station on the Bombay-Kalyan section of the Central Railway on 24th June, 1958.

[No. E(O)II. 58AP1/10.]

R. E. de Sa, Secy.

MINISTRY OF REHABILITATION*New Delhi, the 12th July 1958*

S.O. 1655.—In pursuance of sub-rule (1) of Rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby appoints the officers specified in Column (1) of the table below as officers to whom notices of orders attaching the salaries and allowances of the officers specified in the corresponding entries in Column (2) of the said table shall be sent:—

TABLE

Officers to whom notice should be sent	Officers whose salaries and allowances are attached
I	2
Deputy Secretary (Negotiations) Ministry of Rehabilitation, New Delhi.	Gazetted Officers in the Property Organisation Office of the High Commissioner for India in Pakistan, Karachi.
Under Secretary (Negotiations) Ministry of Rehabilitation, New Delhi.	Non-Gazetted Officers in the Property Organisation, Office of the High Commissioner for India in Pakistan, Karachi.
Officer-in-Charge, 'Claims' Central Claims Organisation.	Officers in the Central Claims Organisation, Mussoorie.
Custodian of Deposits.	Officers in the Office of the Custodian of Deposits Mussoorie.

[No. 35(48)/58-N.]

KANWAR BAHADUR, Under Secy.

(Office of the Chief Settlement Commissioner)*New Delhi, the 5th August 1958*

S.O. 1656.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri Ram Parshad, Assistant Settlement Commissioner, under the Regional Settlement Commissioner, Delhi, as Deputy Custodian, for the purpose of discharging the duties assigned to the Custodian by or under the said Act, with effect from the date he took over charge of his office.

[No. 4(28)Admn.(Prop.)/58.]

S.O. 1657.—In exercise of the powers conferred by sub-section (I) of section 3 of the Displaced persons (Compensation & Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Shri Dayal Chand Ganpati an Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from the date he took charge of his post.

[No. 8/183/57-Admn(R).]

New Delhi, the 8th August 1958

S.O. 1658.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri S. N. Vasudev, I.A.S. as Additional Custodian of Evacuee Property for the purpose of discharging the duties assigned to the Custodian by or under the said Act, with effect from the date he took over charge as Additional Custodian.

No. 14(1) Admn. (Prop)/58.]

M. L. PURI,

Settlement Commissioner & *Ex-officio* Under Secy.

(Office of the Chief Settlement Commissioner)

ORDERS

New Delhi, the 9th August 1958

S.O. 1659.—In exercise of the powers conferred upon me by sub-section (1) of section 8 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) I, L. J. Johnson, I.C.S., Chief Settlement Commissioner, do hereby authorise the undermentioned officers to make payment of compensation to displaced persons, out of the compensation pool, by transfer of allottable property or otherwise, in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, in addition to the officers already authorised *vide* this office order No. F. 4 (6) Comp. II/57 dated 10th October, 1957, 19th December, 1957, 27th February, 1958 and order of even No. dated 22nd July 1958 respectively.

Names of Officers

1. Shri Murari Lal Kanwar, Settlement Officer, Patiala.
2. Shri P. L. Soni, Assistant Settlement Officer, Karnal.
3. Shri Lal Chand Mehra, Assistant Settlement Officer, Rohtak.
4. Shri Joga Singh Sahni, Assistant Settlement Officer, Rohtak.

[No. F. 4(6)-COMP. II/57-Policy-I.]

S.O. 1660.—In exercise of the powers conferred upon me by sub-section (1) of section 8 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, L. J. Johnson, I.C.S., Chief Settlement Commissioner, do hereby authorise the undermentioned officers in the various Divisional Offices in the Jullundur Region to make payment of compensation to displaced persons, out of the compensation pool, by transfer of allottable property or otherwise, in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

Names of Officers

1. Shri H. R. Seth, Assistant Settlement Commissioner.
2. Shri H. C. Matta, Assistant Settlement Commissioner.
3. Shri R. N. Mahna, Assistant Settlement Commissioner.
4. Shri Sohan Lal, Assistant Settlement Commissioner.
5. Shri Rup Chand, Settlement Officer.

6. Shri J. C. Gulati, Settlement Officer.
7. Shri Harish Chandar, Settlement Officer.
8. Shri A. L. Bahl, Settlement Officer.
9. Shri Amar Singh, Settlement Officer.
10. Shri Sushil Chand Dewan, Settlement Officer.
11. Shri J. P. Sharma, Settlement Officer.
12. Shri R. N. Agarwala, Settlement Officer.
13. Bawa Narindar Singh, Assistant Settlement Officer.
14. Shri Kirpal Singh, Assistant Settlement Officer.
15. Shri P. R. Narang, Assistant Settlement Officer.
16. Shri Dalip Singh, Assistant Settlement Officer.
17. Shri S. R. Shrivani, Assistant Settlement Officer.
18. Shri K. L. Sachdeva, Assistant Settlement Officer.
19. Shri Gurbachan Singh, Assistant Settlement Officer.
20. Shri J. R. Khosla, Assistant Settlement Officer.
21. Shri S. Hardev, Assistant Settlement Officer.
22. Shri B. R. Kher, Assistant Settlement Officer.
23. Shri V. S. Jha, Assistant Settlement Officer.
24. Shri H. C. Jatav, Assistant Settlement Officer.
25. Shri D. N. Jatav, Assistant Settlement Officer.
26. Shri G. D. Kalra, Assistant Settlement Officer.
27. Shri D. C. Ganapati, Assistant Settlement Officer.
28. Shri Dhalu Ram, Assistant Settlement Officer.

[No. F. 4(6)-COMP. II/57-Policy-I.]

L. J. JOHNSON,
Chief Settlement Commissioner.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th August 1958

S.O. 1661.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following further amendment in the Rajasthan Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 3843 dated the 17th December, 1954, and as amended from time to time, namely:—

In the first proviso to sub-paragraph (2) of paragraph 7 of the said Scheme after the words "declaring the strike illegal" the words "or within a period of thirty days from the last day of the quarter concerned, whichever is later" shall be inserted.

[No. PF.I/3(44)/58/III.]

S.O. 1662.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following further amendment in the Andhra Pradesh Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1705 dated the 4th October, 1952, and as amended from time to time, namely:—

In the first proviso to sub-paragraph (2) of paragraph 7 of the said Scheme after the word "declaring the strike illegal" the words "or within a period of thirty days from the last day of the quarter concerned, whichever is later" shall be inserted.

[No. PF.I/3(94)/58/II.]

New Delhi, the 7th August 1958

S.O. 1663.—In pursuance of clause (e) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278 dated the 20th June, 1953 (relating to the Regional Committee for the State of West Bengal), namely:—

In the said notification, for the entries (10) and (14), the following entries shall respectively be substituted, namely:—

“(10) Shri R. H. Mody,
Deputy Agent,
The Tata Iron & Steel Co. Ltd.,
23-B, Netaji Subhas Road, Calcutta.”

“(14) Shri Sudhir Mukhoti,
18, Mirzapur Street,
Calcutta.”

[No. P.F. II-1(4)58.]

New Delhi, the 8th August 1958

S.O. 1664.—Whereas immediately before the Employees Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st November 1952, to the factories of Messrs. India United Mills Ltd., at Suparibaug Road, Bombay-12; Ghorupdeo Road, Chinchpokli, Bombay-12; Chinchpokli Lane, Bombay-12; Chinchpokli Cross Lane, Bombay-27; and Dye Works at Cadell Road, Dadar, Bombay-28, there was in existence a provident fund common to the employees employed in the factories and Dye Works of the said company to which the said Act applies and the employees in their other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the establishments, specified in the aforesaid Schedule, of the said Company situated at Bombay.

SCHEDULE

- (1) The India United Mills Ltd., The Central Cloth Shop, Shop Nos. 8—15 No. 1, Mill Chawl, Suparibaug Road, Parel, Bombay-12.
- (2) The India United Mills Ltd., Fort Cloth Shop, Sir Sassoon J. David Building, Corner of Temple Bar Lane, Near Kala Ghoda, Fort Bombay-1.
- (3) The India United Mills Ltd., Hanuman (Bazar Gate) Building Staff, Elphinstone Circle, Fort, Bombay-1.
- (4) The India United Mills Ltd., Indu House, Doughall Road, Ballard Estate, Bombay-1.

[No. P.F. II 9(19)58.]

BALWANT SINGH, Under Secy.

New Delhi, the 7th August 1958

S.O. 1665.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to M/S. Indra Singh & Sons Ltd., and their workmen in the West Chirimiri Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 3 OF 1957

PARTIES:

Messrs. Inder Singh & Sons Ltd.

AND

Their workmen in the West Chirimiri colliery.

Dated the 21st July 1958

PRESENT

Salim M. Merchant, B.A., LL.B., Chairman.

APPEARANCES:

Shri Akhtar Hussain, Advocate,
With Shri Gurumukh Singh, Manager,
and Shri K. P. Sarathy, Labour Officer—
for the company.

Shri R. L. Malviya,
with late Shri R. K. Dubey,
President and General Secretary,
respectively of the Chhatisgarh Colliery Workers Federation,
for the workmen.

Industry: Coal

State: Madhya Pradesh

AWARD

By order of the Government of India in the Ministry of Labour, Order No. S.R.O. 2788 dated 23rd December 1955, this dispute was originally referred to Shri P. S. Bindra, the then Central Government Industrial Tribunal at Dhanbad, and it was numbered as Reference No. 30 of 1955. Upon the services of Shri Bindra having ceased to be available, the Government in exercise of the powers conferred by Section 7 read with Section 10 of the Industrial Disputes Act, 1947, constituted an industrial Tribunal with headquarters at Lucknow consisting of a Single Member namely Shri Matin Ahmed, who was then Member, Labour Appellate Tribunal, and referred to that Tribunal the said dispute for adjudication and it was numbered by that Tribunal as Reference No. 6 of 1956. There were some hearings before the learned Tribunal Shri Matin Ahmed but later, when his services also ceased to be available, the Government of India was pleased, by order No. S.R.O. 675 dated 22nd February 1957, made in exercise of the powers conferred by clause (c) of sub-section 1 of Section 10 of the Industrial Disputes Act 1947 to refer the dispute for adjudication to me as Central Government Industrial Tribunal, Dhanbad, and it has been registered as Reference No. 3 of 1957.

2. Upon this reference being received the usual notices were issued on the parties on 11th March, 1957, calling upon them to file their written statements. In reply the Chhatisgarh Colliery Workers Federation (hereinafter referred to as the Federation) which represents the workmen, stated that it was adopting the written statement dated 24th February, 1956, which it had filed in Reference No. 30 of 1955 and the additional written statement dated 24th November, 1956 which it had filed in Reference No. 6 of 1956. The company in turn relied upon the written statement dated 19th March, 1956, which it had filed in Reference No. 30 of 1955 and the supplementary or additional written statement dated 17th August, 1956, which it had filed in Reference No. 6 of 1956 and these written statements were therefore taken on record as the written statements of the parties in this reference. Thereafter, I fixed the matter for preliminary hearing at Calcutta on 3rd July, 1957, when parties agreed that it was necessary for me to inspect the colliery of the company at Chirimiri for the proper determination of the points in dispute under reference and it was agreed that the inspection should be held on 20th August, 1957 and that as there was no accommodation for holding court and the residence of the Tribunal and its staff at Chirimiri, the hearing should take place either at Jabalpur or Nagpur from 9th September,

1957. At this preliminary hearing the parties were also agreed that the evidence of the following four witnesses:

- (1) Shri R. L. Malviya.
- (2) Shri R. K. Dubey.
- (3) Shri N. Shirshat, Junior Labour Inspector, Government of India.
- (4) Shri Sonwani.

which was recorded before Shri Matin Ahmed should be treated as evidence in this reference and the documents produced through those witnesses should also be treated as part of the record in this case. The parties have also agreed that all documentary evidence produced by either side at the hearing of the earlier reference should be treated as documents and evidence in this reference. Parties further agreed that the proceedings in this reference shall continue from the stage where it had stopped before my learned predecessor Shri Matin Ahmed.

3. Thereafter, I inspected this colliery at Chirimiri on 20th August, 1957 accompanied by representatives of the parties. Earlier, Shri Malviya, President of the Federation had by his letter dated 12th August, 1957 applied that as it was possible to make arrangements for the stay of the Tribunal and for holding of the court at Chirimiri, the venue for the hearing of the dispute should be changed from Nagpur to Chirimiri. At the hearing at Chirimiri on 20th August, 1957, the Manager filed an application that the hearing should be held not at Chirimiri but at Nagpur as originally fixed. As I felt that the hearing at Chirimiri, where the colliery is situated would in every respect be more advantageous for the expeditious disposal of the dispute, by order dated 21st August, 1957, I fixed the hearing at Chirimiri from 30th August, 1957 when evidence of Shri Bhagwandas, Upper Division Clerk of the Regional Labour Commissioner's office at Jabalpur was recorded. But at the hearing on 30th August, 1957 parties filed a joint application *inter alia* recording that the workmen had no objection to the company being represented by a legal practitioner, namely, Shri Akhtar Hussain Advocate and the company had no objection to the Federation also being represented by an Advocate and they jointly applied that the hearing of the dispute should take place at Calcutta on and from 20th September, 1957 and the management agreed to bear the costs of the attendance of the witnesses and of the office-bearers of the Federation at the hearing in Calcutta. Thereafter, the hearing was taken up at Calcutta in September, 1957 and concluded on 13th April, 1958.

4. The three demands under reference are as follows:—

- “(1) Is any payment for lead and lift due in respect of any period prior to the 10th October, 1954 in accordance with para 5 of the Notification of the late Government of Korea State, dated the 15th November, 1947?”
- (2) Are the workmen of the colliery, who were not entitled to any increase in wages under para (1) of the aforesaid notification of the late Government of Korea State entitled to any increase in wages in accordance with para (2) thereof and, if so, to what extent and from which date such increase should be allowed?
- (3) Are the miners entitled to extra wages for boring holes in accordance with note I to item (1) of the aforesaid notification of the late Government of Korea State, and if so, at what rate and from which date?”

I may state here that both parties examined a number of witnesses and filed a number of documents, and each point in this dispute has been strenuously contested.

5. As will be seen from the subject matters, each of the three demands in dispute contains a reference to the notification of the late Government of Korea State, dated 15th November, 1947, which is popularly known, as the Korea Award and shall be referred to hereafter as such.

6. It is admitted that this colliery is situated in West Chirimiri which formed part of the territory of the former State of Korea. The subject matter of the Korea Award (Ex. E-31) is “wages to colliery workers” and the preamble to the notification is in the following terms:

“whereas there has been a general rise in the prices of essential commodities necessitating a positive policy to bring about an improvement in the conditions of workmen in the coal mining industry;

And whereas the wages of colliery workers has been increased in the coalfields in Bengal and Bihar, Orissa, C.P. and Berar and which are bound to have repercussions in the coalfields of the Korea State:

Now, therefore, the Korea State Government after a careful consideration of all factors affecting the industry in the State and in order to assure minimum wages to colliery workers, hereby orders as follows:—

7. Then follow the 11 paragraphs which constitute the operative portion of the Award. Para 1 of the Award fixed the minimum basic wages to be paid to workers of the categories mentioned in that paragraph for an eight hour shift. The wages so fixed relate to coal cutters in underground and quarries, loaders, trolley-men or trammers. It also prescribes the minimum basic wages both for time and piece rated workers of the categories specifically specified therein. It is necessary for the purposes of this reference to refer to note (1) under para 1 of the Notification, which provides (1) "Holes required for drilling are to be paid for separately" as this note has relevancy to demand No. 3 under reference. Para 2 of the notification is in the following terms:—

"Any class of employees not entitled for any increase in the wages under the provisions given above, may be granted an increase of 12½ per cent in their basic pay."

This provision relates to demand No. 2 under reference. Paragraphs 3 and 4 of the award deal with the dearness allowance to be paid to the workers and para 5 prescribes certain basic rates of pay to be paid for lead and lift. This has relevancy to demand No. 1 under reference to Paras 6 to 10 deal with other conditions of service of the workmen, but they are not relevant for the purposes of this reference.

8. Para 11 of the Korea Award provides that the order shall apply retrospectively with effect from 1st November 1947.

9. It is also very material to state that on the same date, namely 15th November 1947, another notification was published in the Korea State Gazette by the Chief Minister of the State granting an increase in the price at which coal may be sold by the colliery owners over the price fixed by an earlier notification dated 31st March 1945 which was made in exercise of the powers conferred by sub-clause (1) of clause 4 of the Korea State Colliery Control Order, 1944. The increased prices were Rs. 16-6-0 per ton run of mine, dust coal and slack and Rs. 17-6-0 per ton for steam rubble and smithy nuts. The increased prices were also made operative retrospectively from 1st November 1947, which is the date from which the increase in the wages to the colliery workers came into operation as directed by para 11 of the Korea Award.

10. It is clear and not denied that this increase in the selling price of coal was granted as a result of the fixation of higher minimum and other wages which had been fixed from the same date by the Korea Award. It may here be further stated that as noticed in the preamble to the Korea Award, similar increases in the wages of colliery workers had been granted in the coalfields of Bengal, Bihar, Orissa and C.P. & Berar. The increase in the Bengal and Bihar coalfields were granted by what is known as the Conciliation Board Award which was put into force by the Government of India's Resolution No. L.R.2(103) dated 12th May 1947. In that Resolution it was also stated that though the recommendations of the Board were applicable to collieries in Bengal and Bihar the Government recognised that proper action was necessary in respect of coalfields in the Central Provinces and Berar and that it would take necessary action as soon as possible. Thereafter a committee known as the C.P. Fact Finding Committee for C.P. & Berar and Hingir Rampur was appointed and after the Committee made its report the Government of India by Resolution No. L.R.2(III) dated 10th October 1947 enforced most of the recommendations of the Committee. It is a well known fact that when the wages of the colliery workers in Bengal and Bihar and C.P. and Berar and other places were increased, an increase over the then existing selling price of coal was also granted by the Government of India and the Korea State only followed the pattern set by Bengal, Bihar and C.P. This is the background in which the Korea Award came to be made.

11. The company in its written statement and at the hearing has contended firstly that the Korea Government notification dated 15th November 1947 was made without authority and therefore was invalid. In support it is urged that on 1st August 1947 there has been a merger of the princely states in that area and that the State of Korea had become part of the Eastern States Union. I shall deal with this contention presently. The company's second contention is that in any case the Korea Award is not binding upon it as it was formed and incorporated after the Korea notification was made and it was granted permission to commence the

mining operations only by the order dated 6th February 1950 of the Government of Madhya Pradesh, Department of Commerce and Industry. For the purposes of the second contention it is necessary briefly to give the history of this company.

12. It is admitted that Messrs. Inder Singh & Sons (Private) Limited who are the owners of the West Chirimiri colliery, were originally granted a prospecting licence by the Korea State, which was renewed at a later date. By order dated 6th February 1950, the Government of Madhya Pradesh, granted permission to the company to commence mining operations over an area of 1974 acres in one block and 2200 acres in 3 blocks in West Chirimiri area in anticipation of the Government of India's sanctioning the grant of two mining leases in respect of the aforesaid areas. (Exhibit E-46). It is admitted that the company has raised coal by working this mine since 1950. (see the figures of raisings of coal during each of the years 1950 to 1954, contained in the company's letter dated 28th September 1955 addressed to the Regional Labour Commissioner (C), Nagpur (Ex. E42). Later after a registered agreement dated 16th August 1952 was entered into with the Government of Madhya Pradesh, the company removed, despatched and sold coal from the said mine, pending the execution of a formal lease in accordance with the Mineral Concession Rules 1949. Accordingly, the first wagon of coal was despatched in about July 1952. The company has argued that its mining operations commenced only when the first ton of coal was won, which was after the Korea Award and therefore the Korea Award, being earlier in point of time, was not applicable to this company.

13. However, it was admitted, in cross-examination, by Shri Gurumukh Singh, the Manager of the colliery (E.W. 11) that the prospecting had started much before 1947. According to the union the prospecting had started somewhere in 1944 when the prospecting licence was granted by the Korea State. Now Section 2(j) of the Mines Act, 1952 (XXXV of 1952) defined a mine as follows:—

"(j) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

- (i) every shaft in the course of being sunk;
- (ii) every level and inclined plane in the course of being driven;
- (iii) all shafts, levels, planes, machinery, works, tramways and sidings whether above or below ground, in or adjacent to, and belonging to, the mine;
- (iv) any workshop situated within the precincts of the mine and under the same management and used solely for purposes connected with that mine or a number of mines under the same management;
- (v) any power station for supplying electricity solely for the purpose of working the mine, or any group of mines; and
- (vi) unless exempted by the Central Government by notification in the Official Gazette, any premises or part thereof on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;"

14. The union has urged that under that definition prospecting would amount to mining. It appears to me that the definition of the term mining is wide enough to include prospecting as the term used is "any operation for the purposes of searching for or obtaining minerals" and prospecting is done for the purpose of searching for or obtaining mineral. In this view of the matter, it must be held that this colliery started mining in 1944-45 or at any rate on a date prior to 1947, and not from the date when the incline was made or the haulage started or when the necessary licence was obtained by the company from the Government of Madhya Pradesh.

15. But apart from this technical contention, it is urged by the employers that as the company got the permission for mining operations in 1952 from the Madhya Pradesh Government and as the mining lease was also granted by the Madhya Pradesh Government it was never under the jurisdiction of the Korea State and the Korea State Award of 15th November 1947 was not applicable to it. But it is admitted that the original prospecting licence was granted to this company by the Korea State. Surprisingly the company has not been able to trace this licence. In his evidence Shri Malviya had suggested that the licence was granted in 1944-45 and this has not been challenged. On the expiry of the prospecting licence granted by the Korea State, the subsequent licence were renewed by the Madhya Pradesh Government. I am not at all impressed by the company's contention that it is now governed by the Korea Award. It is admitted that all the other collieries situated in the area of the former Korea State were governed by the Korea Award from 1st January 1947 till 26th May 1956 when

the Majumdar Award came into operation. In fact so far back as on 17th February 1950 all the collieries in the Korea State had agreed that the Korea Award applied to the collieries in the territory of the old State of Korea (Exhibit W.E. 1). No doubt, this company was not a party to that agreement. But there is no dispute on the point that the selling price of the coal of this colliery has been the same as fixed by Government from time to time for the coal of all the other collieries in the Korea Coal-field. Shri Gurumukh Singh, Manager of the colliery (E.W. 11) in clear terms admitted this in cross-examination. The selling price for coal is fixed by Government after taking into account the cost of raising each ton of coal, which includes the cost by way of the wages to the workmen which are fixed by awards in force from time to time. Whenever there was an increase in the wages of the workmen by any award the selling price of coal was also suitably increased, and adjusted after cost accounting by Government officials, allowing for a fair margin of profits for the employers. The company's contention is that the wages it pays its workmen are fair wages and not wages fixed under the Korea Award. But as the evidence of the manager of the colliery, Shri Gurumukh Singh (Ex W. 11) shows the company in actual practice is paying its workmen the minimum wages fixed by the Korea Award for the collieries in Korea State. In my opinion this was so, not by a mere accident, but because the company well knew that as it was operating in the Korea State, it was liable to pay the minimum wages at rates prescribed by the Korea Award. In fact, Shri Shishir Kumar Sen, a witness on behalf of the management (E.W. 6), who was the Labour Officer of the colliery from October 1954 to April 1955, categorically stated in answer to a question put to him in cross-examination that the wages and rates paid to the workmen of the West Chirimiri colliery were being paid under the Korea Award. In view of this categorical statement by one who was the Labour Officer in this colliery, the company's contention that the wages fixed by the Korea Award did not apply to it falls to the ground. The Regional Labour Commissioner (Central), Nagpur, also in his correspondence with the company repeatedly informed the management that the Korea Award applied to it. The company wants to be in the happy position of not being governed by the Korea Award and yet to get the benefit of the selling price for coal fixed from time to time by Government for coal produced by the collieries in the territory of the late Korea State. The company says that the rates of wages fixed by the C.P. Fact Finding Committee for collieries in Madhya Pradesh are also not applicable to it. Thus it wants to be free from the controlling effects of both the Korea and the C.P. Fact Finding Committee Award. This position is untenable considering that it is enjoying the benefits of the selling price for its coal as fixed from time to time for the collieries in Korea State. It is admitted that till the Majumdar Award as modified by the Labour Appellate Tribunal's decision came into force from 26th May 1956, all the collieries in Korea State were governed by the Korea Award. In fact the Korea Award is applicable to employees in the collieries in territory of the former Korea State who joined service long after the Korea Award came into force as its operation continued from 1st November 1947 till 25th June 1956, when the scales of pay etc. fixed by the Majumdar Award as modified by the Labour Appellate Tribunal's decision replaced it. This colliery, even assuming in its favour that it was not carrying on regular mining operations, when the Korea Award came into operation cannot say that the Korea Award does not apply to it. The Korea Award came into force on and from 1st November 1947 and remained in operation till 25th June 1956, till it was replaced by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal and was applicable to all the collieries in the Korea State and this company cannot claim to be exempted from the operation of the Korea Award which in force and operation when it started raising coal. This company must therefore be held to be governed by the Korea Award till 26th May 1956 when the Majumdar Award came into operation.

16. In its supplementary written statement dated 17th August 1956 the company has raised the contention that the Korea notification of 15th November 1947 was issued without any authority having been issued when the Eastern States Union Constitution Act, 1947, was in force under which the State of Korea had no legal right to issue any notification on its own authority. In support of this contention it has relied heavily upon the Award dated 14th February 1956 of Shri P. S. Bindra, the Central Govt. Industrial Tribunal at Dhanbad, in Reference No. 11 of 1953 in a dispute between the Jhagrakhand Collieries Limited and their workmen, where a similar contention raised by the Jhagrakhand Colliery—another colliery situated in the old Korea State was upheld. In para 13 of its supplementary written statement the company has submitted as follows:—

"That the claim of the union being based on the Korea Notification is not maintainable in law in as much as the State of Korea had no jurisdiction to issue the said notification and even if such notification was validly issued it cannot have binding effect after integration."

The union, on the other hand, contends that the Korea notification was validly made and the Korea State had the authority and power to issue the notification despite the Eastern States Union Constitution Act, 1947, as the said Act never came into force or effect. The union also contends that the integration of the Korea State with the Indian Union did not take away the power and authority of the Korea State to make the notification of 15th November 1947 which is therefore a valid notification, binding on the company and its colliery, which is situate in the territory of the old State of Korea.

17. The Korea State under the treaty of its Ruler with the British Government was a Feudatory State with limited powers. The Korea State existed as such till 31st December 1947 when its territory got merged with Madhya Pradesh on 1st January 1948. After the agreement of merger with the Govt. of India, the Government of India transferred the administration of the State to the Madhya Pradesh Government within the provisions of the Extra Provincial and Jurisdiction Act of 1947 which got the assent of the Governor General on 24th December 1947 and the Government of Madhya Pradesh was appointed the agent of the Government of India for purposes of administration.

18. The history of the merger of the Korea State with the Indian Union is that on 18th July, 1947, the Indian Independence Act, was passed and came into force with immediate effect. Under Section 7(b) of that Act the then Indian States, including the Korea State, got complete independence as the suzerainty of the British Parliament ceased over them. To use the words of Lord Mountbatten:—

“The Act released the States from all their obligations to the Crown. The States have complete freedom—technically and legally they are independent.”

It is important to note that the Korea notification dated 15th November, 1947 was passed after the Korea State got independence under the Indian Independence Act 1947 and before it merged with Madhya Pradesh with effect from 1st January, 1948. Evidently, under the British Rule the State of Korea had the power to issue the notification which it did on 15th November, 1947. But to continue, Section 9 of the Indian Independence Act 1947 empowered the Government of India to bring into effect the provisions of that Act and immediately on the passing of the Act Lord Mountbatten, the then Viceroy of India, called a conference of the Rulers and Representatives of the Indian States at New Delhi on 25th July, 1947. In his address to the conference Lord Mountbatten appealed to the Indian States to accede to the Indian Union, on the 3 subjects of Defence, External Affairs and Communications. He made it clear that the Instrument of Accession contained explicit provisions that in no other matters the Central Government will have any authority to encroach on the internal autonomy and sovereignty of the States. He appealed to the Rulers to sign the Instrument of Accession by 15th August, 1947, which was the day of transfer of power, the day of Independence for India. At the conference a committee was appointed for a detailed consideration of the items on the agenda of the conference. The Raja of Korea attended this conference and he was one of those appointed to this committee. As a result of the conference an Instrument of Accession of semi-jurisdictional and non-jurisdictional states, including the State of Korea, was signed before 15th August, 1947 by which these States acceded to the Dominion of India. The form of the Instrument of Accession of these states is given at Appendix A, page 169 of the White Paper on Indian States. Clause 8 of the Form of the Instrument of Accession signed by semi-jurisdictional and non-jurisdictional States (the Korea State being such a State) provides as follows:—

“Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.”

Thus under clause 8 of the Instrument of Accession the internal autonomy and sovereignty of the Korea Ruler in all other matters except three matters relating to Defence, External Affairs and Communications was saved and protected. In the meantime, the Rulers of the States in Orissa and Chhatisgarh agencies had formed themselves into a Union called the Eastern States Union and the Ruler of Korea appears to have issued two notifications on 23rd July, 1947 and 1st August, 1947, accepting the said Union. But there is nothing to show that the Constitution of the Eastern States Union on which the company so heavily relies, had at all come into force or had functioned effectively. On 25th July, 1947 the Ruler of Korea State was in New Delhi at the conference

of Indian State Rulers and their Representatives called by Lord Mountbatten and he was elected a member of the committee appointed at that conference to go into the details of the Accession of those States to the Dominion of India and before 15th August, 1947 the Ruler of Korea had signed the Instrument of Accession to the Dominion of India. There is nothing to show that the Eastern States Union Constitution had any real existence or that its constitution ever functioned efficiently at all. In any event it appears to have become completely ineffective after the accession of the Korea State to the Indian Union which took place prior to 15th August, 1947.

19. It was next urged by Shri Akhtar Hussain, the learned Advocate for the company that after the accession of the Korea State with the Indian Union by 15th August, 1947, there was no power left in the Ruler to issue the notification of 15th November, 1947. But as I have pointed out above by clause (8) of the Instrument of Accession the sovereignty of the Korea Ruler was not affected in any manner except in respect of certain subjects enumerated in the Schedule to the Instrument of Accession (see page 171 of the White Paper), relating to (A) Defence (B) External Affairs (C) Communication and (D) Ancillary subjects in respect of which only the Dominion Legislature had the powers to make laws for this state. The sovereignty of the Korea Ruler in respect of all other matters was saved and preserved. These powers the Ruler of Korea State continued to enjoy from the date of the signing of the Instrument of Accession (sometime after 25th July, 1947 and before 14th August, 1947) till 31st December, 1947, when on 1st January, 1948, the State was merged with the territory of Madhya Pradesh. The Korea Notification was issued on 15th November, 1947, which is a date during the period between the signing of the Instrument of Accession and its merger with Madhya Pradesh, when Korea State enjoyed sovereignty powers except in respect of the 4 subjects enumerated in the Schedule to the Instrument of Accession as stated above.

20. The States' Merger (Governors' Provinces) Order, 1949 was enacted on 27th July, 1949 (see Appendix XLIV to the White Paper on Indian States) by the Governor-General in exercise of the powers conferred by Section 290A of the Government of India Act, 1935, for the administration of the Indian States together with the adjoining Governor's Provinces. Section 4 of the said Order provides:—

“All the laws in force in a merged state or in any part thereof immediately before the appointed day, including orders made under Section 3 or Section 4 of the Extra Provincial Jurisdiction Act 1947 (XLVII of 1947) shall continue in force until repealed, modified or amended by a competent Legislature or other competent authority.”

Now, “appointed day” has been defined under Section 2(b) of the Order as meaning the date of the commencement of this order and under Section 1(2) it is provided that the order shall come into force on the 1st day of August 1949.

21. Thus under Section 4 of this order the notification made by the Korea State on 15th November, 1947 must also be deemed to be valid and kept in force and operation.

22. It is thus seen that the notification made by the Korea State on 15th November, 1947 was not without power nor was it in any way invalidated by the merger of the State with the Indian Union and the Korea State had the power to make the notification as it was made prior to the merger of the State with Madhya Pradesh on 1st January, 1948.

23. The management has mainly relied for support upon the Award of Shri Bindra in Reference No. 11 of 1955 in the dispute of the Jhagrakhand Colliery above referred to, by which he held that the Korea State had not the authority to make the notification on 15th November, 1947 after its merger with the Eastern States Union. Before Shri Bindra the arguments which have been urged before me with regard to the effect of the integration of the Korea State into the Indian Union and its effect on the Eastern States Union constitution, were not urged. Anyway, from that Award the workmen went in appeal to the Labour Appellate Tribunal, being Appeal (Bom.) No. 139 of 1956. The Bench of the Labour Appellate Tribunal at Bombay (Shri F. Jeejeebhoy, Chairman, and Shri P. D. Vyas, Member) by their decision dated 13th May, 1958 reversed the decision of Shri Bindra on this point and held that the Korea State had the power to make the notification of 15th November, 1947, which it held to be a valid legal order. The Hon'ble Appellate Tribunal held that there was no evidence that the Eastern States Union had ever come into existence or that it

ever finalised as provided by the Constitution Act or at all. The learned Tribunal has observed:—

“Indeed the very fact that this Korea Award of 15th November, 1947 was made by the Korea Government contrary to the terms of the Eastern States Union Constitution Act which provided that the subject matter of this notification was a legislative function of the Union, *prima facie* suggests that the Union had never come into force and had never functioned.”

After describing the relevant provision of the Eastern States Union Constitution and the effect of accession of Korea State to the Indian Union by 14th August, 1947, the Hon'ble Labour Appellate Tribunal observed in paras. 16 and 17 of its decision as follows:—

“Before 1st August 1947, when this Eastern States Union Constitution was to have come into operation, the States had already agreed to surrender Defence, Foreign Relations and Communications to the Indian Government, and had already parted with the major portion of that sovereignty which the retirement of paramountcy had brought to them. Thus one of the main purposes of the Union had already ceased to exist. Secondly, there was from the very first a consistent move towards the integration of the Princely States into the Union of India, and so far as this area was concerned, they had by the end of 1947 agreed to integration, and that meant the end of the Eastern States Union. Mr. Khambatta has pointed out that since the Eastern States Union Constitution Act had been passed we must assume that it had come into existence and had functioned. We might as well say that the Eastern States Union Constitution Act has not yet been repealed, and yet the Korea State is a part of India”

“We conclude that although there was a movement towards the establishment of an Eastern States Union, the constitution of which had been approved by some of the Rules of the contiguous States, the fact remains that the rapid march of events in the second half of July 1947 and what happened subsequently divested the Eastern States Union of its utility, and it is therefore not surprising that the Eastern States Union disappeared into the background, never functioned, and was not heard of again.”

24. The Appellate Tribunal therefore held that the Korea Award is valid and was binding upon the concern before it—Jhagrakhand Colliery—which was also a colliery in the territory of the former State of Korea

25. For the reasons stated by me earlier and being in respectful agreement with the decision of the Appellate Tribunal, which is binding on me, I hold that the Korea Award is a valid notification and the Korea State had the power and authority to make the same

26. It was next urged on behalf of the company that in view of the then pending reference before the All India Industrial Tribunal (Colliery Disputes) popularly known as the Majumdar Tribunal, the reference to this Tribunal was invalid. I think there is no substance in this point. The present reference concerns three demands arising out of the Korea Award which was made on 15th November, 1947. No doubt, this reference was originally made on 23rd December, 1955, by which time the first reference to the Majumdar Tribunal had been made. But the Majumdar Tribunal was charged with the consideration of wages of the collieries all over India and it was not examining the questions which are now before this Tribunal. The Majumdar Tribunal's award came into operation from 26th May, 1956 and until that date the Korea Award remained in operation. The three demands under reference arise out of the Korea Award and whatever award is made on these demands would be applicable till the Majumdar Award came into force on 26th May, 1956. I find that a similar contention was raised before the Labour Appellate Tribunal in Appeal (Bom.) 139 of 1956 and the same was also rejected. I do not think that the reference to the Majumdar Tribunal in any way affects the disputes which have been referred for adjudication to this Tribunal.

27. I must next refer to another point urged by Shri Akhtar Hussain the learned Advocate for the company in his address. He challenged the capacity of the Chattisgarh Colliery Workers Federation to represent the workmen of this colliery in this dispute, as according to him under Section 36(1) of the Industrial Disputes Act, 1947, it was only the West Chirimiri Colliery W

another union of the workmen of this company which was entitled to represent the workmen, that being the only registered union of the workmen of this colliery. It appears that an objection to that effect was filed on 14th December, 1956 by the company when this dispute was being heard by my learned predecessor, Shri Matin Ahmed. A counter-affidavit dated 31st January, 1957 was filed in reply by the late Shri R. K. Dubey the then General-Secretary of the Federation, in which he claimed that the majority of the workers of this colliery were members of the branch union of this Federation in the said colliery; that the employers in all cases whatsoever in connection with the disputes under the Industrial Disputes Act had throughout negotiated with the Federation; that the management had never raised any objection to the representative capacity of the Federation till for the first time it raised it by its objection dated 14th December 1956; that as the Federation represented the majority of the workmen in this colliery, it had the right to represent them in this dispute. After Shri Dubey filed this counter-affidavit, the management does not appear to have pressed its objection, as thereafter Shri Malviya as President of the Federation and Shri R. K. Dubey as the General-Secretary of the Federation were allowed to appear for and represent the workmen in this dispute in the hearing of Reference No. 6 of 1956. It thus appears that the company had after Shri Dubey's counter-affidavit, not pressed this objection. It may here be stated that the Federation is a registered trade union. When the proceedings commenced before me in Reference No. 3 of 1957 no objection to the Federation being entitled to represent the workmen of this colliery was at all raised and in fact at the hearing at Chirimiri on 30th August, 1957 a joint application was filed which is signed on behalf of the management by Shri Gurumukh Singh, the Manager of the Colliery and by Shri R. L. Malviya as President and Shri R. K. Dubey, the General-Secretary, of the Federation, representing the workmen, by which the management recognised the right of the Federation to represent the workmen in this dispute. In fact, it went further and even agreed to pay the travelling costs and the expenses of Shri Malviya and Shri Dubey and of the witnesses for attending the hearing of this dispute at Calcutta where it was the company's anxiety that the hearing should be held. In fact, in the proceedings before me till the stage of addresses no reference at all was made to the company's application dated 14th December, 1956. The company did not in its written statements in reply to the Federation written statements, object to the Federation representing the workmen in this dispute, but raised the objection only on 14th December, 1956 and after Shri Dubey had filed his counter-affidavit, it appears to have waived the objection. In fact at the hearing before me no objection was raised to the Federation representing the workmen and by agreeing to pay the expenses of the representatives of the Federation to represent the workmen at the hearing before me at Calcutta, the management definitely waived this objection. It is also admitted that this industrial dispute was raised by the Federation on behalf of the workmen and it was the office-bearers of the Federation who had represented the workmen at the various conciliation proceedings before the Government Conciliation Officers, which preceded this reference. It is also clear that the West Chirimiri Colliery Workers' Sangh, had never represented the workmen in those proceedings. Whilst the company's anxiety was to establish that it is the West Chirimiri Colliery Workers' Sangh, which represents the workmen of this colliery, the Federation has urged that the Sangh was a union sponsored by the management and did not represent the workmen. From the evidence on the record it appears to me that this contention of the Federation is justified. Sardar Karam Singh, a Surveyor in this colliery, was for sometime the President of the Sangh. He has been examined in this case as a witness by the management (E.W. 9). In his evidence he admitted that at that time there were two unions of the workmen of this colliery namely the Branch union of the Federation and the other the Sangh. He stated that the Branch of the Federation was formed in April or May 1954, and the Sangh was formed a few months thereafter. Other witnesses have also admitted that the Branch union of the Federation was formed earlier and the Sangh was formed a few months thereafter. Shri Karam Singh stated that he was President of the Sangh for a year and a half and that during that period the Sangh had not made any demands on the management nor had it forwarded any demands to Government on behalf of the workmen; that the Sangh had not represented the workmen of this colliery either before the Majumdar Tribunal or the Labour Appellate Tribunal, before which it is admitted that the Federation had represented the workmen. It was also admitted by him that the Sangh had never made any demands on behalf of the workmen or raised any industrial dispute, and that the only thing which it had done for the workmen was to make representations to the management on behalf of a few individual workmen. It would not be out of place here to record that Shri Karam Singh had in fact appeared along with the manager of the colliery as representing the management in the conciliation proceedings which were held in November 1955 by Shri P. S. Dhamne, the Conciliation Officer (Central), over certain demands, including the

three demands under reference, over which the Federation had raised an industrial dispute with the management. Exhibit W-J is a copy of the minutes of discussion that took place at the Conciliation proceedings and there it is recorded

"PRESENT:

Representing Employers

1. Shri Gurumukh Singh, Manager, West Chirimiri Colliery.
2. Shri Karam Singh, Surveyor, West Chirimiri Colliery.

Representing Workmen

3. Shri R. L. Malviya, President, Chhatisgarh Colliery Workers Federation.
4. Shri Kamledeo Singh, Vice-President, Chhatisgarh Colliery Workers' Federation.
5. Shri K. N. Shirsat, Junior Labour Inspector (Central) Chirimiri."

But, Shri Gurumukh Singh, Manager of the Colliery (E.W. 11) when he was questioned on the point stated that Shri Karam Singh had attended those proceedings not in his capacity as Surveyor of the colliery representing the management, but in his capacity as President of the Sangh and that the conciliator had wrongly recorded his (Karam Singh's) appearance as representing the employers. I find it impossible to believe this story of Shri Gurumukh Singh as in the minutes it is clearly recorded that the dispute over which the discussion in conciliation were taking place was "between the Chhatisgarh Colliery Workers' Federation and the management of the West Chirimiri Colliery". Another reason is that it is admitted that Shri Gurumukh Singh and Shri Karam Singh, refused to sign the minutes, though the same were signed by Shri R. L. Malviya as the President of the Federation and by the Conciliation Officer Shri P. S. Dhamne. Shri Gurumukh Singh's explanation for not signing the minutes was that he had no authority from the employers to sign any such minutes. The Conciliation Officer has in the minutes recorded:—

"The manager and the Surveyor refused to sign these minutes though they admitted orally their correctness and a faithful reproduction of what actually was spoken by everybody."

The inference is irresistible that Shri Karam Singh also did not sign the minutes because he too had no authority from the employers whom he was representing in those proceedings, to sign the same. I am therefore more than satisfied that Shri Karam Singh had represented the management in these conciliation proceedings as surveyor of the colliery and was opposing the demands under reference.

28. On the claim of the company that the Sangh is the representative union of the workmen in this colliery and not the Federation, the answers given in cross-examination by another witness on behalf of the Employers namely Shri Shiboo Khalia (E.W. 5) are pertinent and revealing. This witness stated:—

"There are two unions of the workmen; one is the government Union and the other is the Mazdoor Sangh. By the Government Union, I mean Mr. Dubey's Union (i.e. the Federation). I am the member of the Mazdoor Sangh. The Union is known as the West Chirimiri colliery Mazdoor Sangh. The Mazdoor Sangh has been in existence since 1954 about 8 months after Shri Dubey's union was formed. I do not know the President of the Sangh. I know him as Store Babu. Shri Kuljit Singh who is present in Court and is sitting with the learned Counsel for the company, is the President of the Mazdoor Sangh. I do not know who is the Secretary of the Sangh. I have not seen the Secretary. The Union's office is near the stores of the colliery. I joined the Sangh when it was formed. The President and Secretary of the Mazdoor Sangh were elected five months after the Sangh was formed. There has been no election thereafter. I was present at that election. I know only one man in the Union and that is Kuljit Singh."

29. With one President of the Sangh representing the management in conciliation proceedings over these demands and another President being present in court with the representatives of the company, further comments on what is the real role of the Sangh are hardly necessary. The Sangh had throughout its existence not raised any industrial dispute beyond bringing to the notice of the management certain individual cases of grievances of the workmen. It did not appear before the Majumdar Tribunal to ventilate the grievances of the workmen nor did it join any of the appeals before the Labour Appellate Tribunal. I am more than satisfied that the Sangh does not represent the real interests of the workmen and there is

ground enough to hold that it is a management sponsored union. It is the Federation which really represents the interests of the workmen in this dispute and that it was the Federation which raised this dispute, saw it through various conciliation proceedings and got the dispute referred to adjudication. The Federation is therefore entitled to represent the workmen under Section 36(1) and as I have stated earlier, the management itself by its subsequent conduct has waived its objection and recognised the right of the Federation to represent the workmen of this colliery and in fact the Federation did represent the workmen throughout these proceedings from the stage of the filing of the written statements till the stage Shri Malviya addressed me on their behalf. The objection of Shri Akhtar Hussain therefore is belated and is also otherwise without substance.

30. The main events leading upto the present reference are that on 7-2-1955 Shri R. K. Dubey, the then General Secretary of the Federation addressed a letter to the Manager, West Chirimiri colliery in which he stated:—

"Matters relating to the workers of West Chirimiri colliery are pending since a long time. There have been several representations by the Federation but no response since has been received from you. For your ready reference, I beg to cite the following demands." (Ex. E-32). Evidently certain demands had been made earlier arising out of the Korea Award and the reference in this letter to the earlier representations were to those demands. Copies of Exhibit E-32 were endorsed also to the Regional Labour Commissioner (Central), Nagpur, and to the Junior Labour Inspector, Chirimiri. Evidently the letter though dated 7-2-1955 was signed on 8-2-1955, as that is the date appearing below Shri Dubey's signature. The letter contained in all seven demands, demands 1, 2 and 4 thereof being the three demands under reference. Shri Dubey concluded the letter by stating;

"The matters as stated above are old ones and no decisions have been taken by you as yet. I therefore request you to kindly do the needful in the matter."

At that time the Regional Labour Commissioner (Central), Nagpur Shri Hari Singh was in Chirimiri and conciliation proceedings on the 7 demands were held on 8-2-1955 at the Rest House of the West Chirimiri Colliery, at which the management was represented by Sardar Surjit Singh, one of the Directors of the company, Shri Gurumukh Singh, the Manager, and Shri S. K. Sen, the then Labour Officer of the colliery and the workmen were represented by Shri R. L. Malviya, the President and Shri R. K. Dubey, the General Secretary of the Federation. At the end of the discussion which the parties had with the Regional Labour Commissioner a writing was drawn up which was then signed by all the representatives of the parties, and the Regional Labour Commissioner except Shri R. K. Dube. The writing is typewritten and was originally headed as "Minutes of the discussion held in connection with the dispute between the Chattisgarh Colliery Workers' Federation and the West Chirimiri colliery," but subsequently the words "minutes of discussion held in connection with the dispute" were scored out and in its place were substituted the typewritten words, "Memorandum of Settlement arrived at". (See Exhibit E-33). The fact that this alteration was made is admitted, but there is controversy between the parties about how this alteration came to be made. I shall deal with the contention of the parties on this point presently. However, what in my opinion, is more important is that on 6 out of the 7 demands under discussion the parties reached an agreement. We are here concerned with the three demands under reference, which as I have already stated; were demands No. 1, 2 and 4 under discussion. On demand No. 1 which was with regard to payment for lead and demand No. 4 relating to payment of 12½ per cent. increase in the wages as directed by para. 2 of the Korea Award, parties were agreed that the Junior Labour Inspector (Central), Chirimiri, would enquire into the demand in the presence of the representatives of the parties and submit his report. With regard to demand No. 2 it was agreed that the Junior Labour Inspector, the management and the Federation would jointly enquire into the matter and submit their report as soon as possible. It is admitted that a copy of the said writing was delivered to the manager of the colliery on the evening of 9th February 1955.

31. Now, with regard to the controversy between the parties as to how the alteration in the heading of Exhibit E-33 came to be made, as I have noted earlier, all the representatives of the two parties and the Regional Labour Commissioner signed the writing on 8th February 1955, except Shri Dubey, who seems to have taken up the position that as an agreement was reached between the parties at the discussion the writing should have been described as an agreement and not as minutes of the discussion that took place between the parties. Shri Dubey has

given evidence in this case (Exhibit W.W.3) and according to him all the representatives of the parties had signed the writing on 9th February 1955 and not on 8th February 1955. But the date below the signatures of all the parties, including that of Shri Dubey is shown as 8th February 1955. On the evidence on record I am inclined to hold that all the other representatives of the parties had signed the writing on 8th February 1955, but Shri Dubey signed it on 9th February 1955, only after the change in the heading of the writing was made as desired by him. The only person who could have thrown a direct light on this controversy is Shri Hari Singh, Regional Labour Commissioner, but he has unfortunately not been examined by either party. The management has denied that it agreed to this alteration in the heading of Exhibit E-33 and it has pleaded that it was only much later that it came to notice this alteration, which was made at its back and without its consent. It is, however, admitted that a copy of Exhibit E-33 after the alteration was made was received by the Manager of the colliery, Shri Gurumukh Singh on the evening of 9th February 1955, who later passed it on to Shri S. K. Sen, the Labour Officer of the company and yet neither of these two officers raised any objection to the change in the writing. Both of them have given evidence in the case. Shri Gurumukh Singh, the Manager, in his affidavit (Exhibit E-70) has stated that he received copy of Exhibit E-33 on 9th February 1955 in the evening without noticing the change. Shri S. K. Sen, the Labour Officer of the company (E.W. 6) has stated that he too did not notice the change in the copy of Exhibit E-33 which the Manager had passed on to him. He said that he was then only anxious to see whether Shri Dubey had signed the writing or not. I find it difficult to accept their explanation. I am inclined to think that the Manager and the Labour Officer of the company did notice the alteration in the heading of Exhibit E-33 but did not raise any objection because they had agreed to the alteration. There was also some correspondence between the Regional Labour Commissioner, Shri Hari Singh, and the management, after the Junior Labour Inspector had made his report but even in that correspondence the management did not object to the alteration. On the other hand, in that correspondence the management has referred to Exhibit E-33 as the agreement between the management of West Chirimiri colliery and the Federation (See Exhibit E-34—company's letter to the Regional Labour Commissioner, dated 5th July 1955). The fact that Shri Dubey had not signed the writing on 8th February 1955 on the ground that he wanted Exhibit E-33 to be described as an agreement, must have been well known to the representatives of the management and it appears to be that they later acquiesced in the writing being described as a memorandum of agreement and that is why they did not raise any objection and received the copy of Exhibit E-33 with the alteration as made.

32. It has been urged on behalf of the union that because the writing of 8th February 1955 was described as an agreement, the management had agreed to accept and be bound by whatever recommendations the Junior Labour Inspector would make in his report. The management has denied that it had agreed to anything of that kind. Later the Regional Labour Commissioner in his correspondence with the company took up the position that the report of the Junior Labour Inspector was binding on the management and that its failure to implement the recommendations in the report would amount to a breach of Section 29 of the Industrial Disputes Act, 1947. I think the contention of the management on this point must be accepted. There is nothing in Exhibit E-33 to suggest that the management had agreed to accept and be bound by the recommendations of the Junior Labour Inspector. If that was the intention it would have been so stated in the agreement of 8th February 1955. The agreement only provides that the Junior Labour Inspector was to make an enquiry and submit his report, it did not mean that his report would be binding on the company.

33. But to proceed, the Junior Labour Inspector in terms of the agreement dated 8th February 1955 held an enquiry and submitted his report dated 21st June 1955 to the Regional Labour Commissioner Nagpur (Exhibit E-34). On the first demand for payment for lead the Junior Labour Inspector found that prior to 10th October 1954 there was an average lead of the distance of 100' to 150', i.e. the length of 1½ pillars to 2½ pillars and he reported that the management was liable to make payment for this lead at rates prescribed by the Korea Award retrospectively. With regard to demand No. 2 for additional payment to miners for making holes, he found that the management had not followed the provisions of Rule 17 of the Payment of Wages (Coal Mines) Rules 1949, in as much as it had not maintained a record of the number of holes made by the miners and had also failed to furnish the workmen with the particulars of the measurements of the holes. He found that the management had not paid the miners the additional payment for making holes to which they were entitled under the Korea Award and he held that the management was liable to pay for each hole at the rate of Re. 0-3-0 additional basic wages per hole, on the basis of a certain formula which he evolved. With regard to the

third demand for payment of 12½ per cent. increase in basic wages of the workers, as provided for by para. 2 of the Korea Award, he found that the wages of the workers in this colliery did not include the 12½ per cent. increase as provided by the Korea Award. He therefore, reported that this demand should be decided on the same basis as was done in two neighbouring collieries namely the Chirimiri colliery and the New Chirimiri Ponri Hill Colliery, where this increase of 12½ per cent. wages was granted.

34. The Regional Labour Commissioner, Nagpur, Shri Hari Singh, by his letter dated 5th July 1955 (Exhibit E-34) forwarded a copy of the report of the Junior Labour Inspector to the Manager of the colliery and requested the management to comply with the drawbacks pointed out by the Junior Labour Inspector without any avoidable delay failing which it would amount to a breach of Section 29 of the Industrial Disputes Act, 1947. He concluded the letter by stating that if the recommendations of the Junior Labour Inspector were not carried out, he would have no other option but to proceed with the matter.

35. Certain correspondence thereafter ensued between the management and the Regional Labour Commissioner (See company's letters dated 9th July 1955 (Exhibit E-35) 27th July 1955 (Exhibit E-36) and 18th August 1955 (Exhibit E-37). But I shall refer to the contentions of the management as stated in these letters, when dealing with the demands on their merits. I would, nowever, like to state that the company had contended in that correspondence that the Korea Award did not apply to it as its colliery was not in existence on the date the Korea Award was made. To this the Regional Labour Commissioner in his reply dated 3rd September 1955 observed:

"I have gone through your letter. Your plea for the non-implementation of the Korea Award is not at all tenable. The said Korea Award has come in operation from 1st November 1947 and it applies to your colliery beyond any reasonable doubt—no matter even though you have assumed reigns of the colliery—long after its publication or commencement. Assumption of ownership by you at a later stage does not in any way absolve you from the liability of its enforcement."

Certain further correspondence followed, but it is not necessary to refer to it. The correspondence rested with the company's letter dated 28th September 1955 (Exhibit E-42) in which it reiterated the contentions which it had raised in its letter of 18th August 1955.

36. Thereafter Shri Hari Singh, Regional Labour Commissioner, again met the parties at Chirimiri on 15th and 16th September 1955 with a view to attempting to conciliate the above dispute and no tangible result came out of it and Shri Hari Singh thereafter made a "failure of conciliation" report to the Chief Labour Commissioner, New Delhi, on 8th October 1955 (Exhibit W-D). Thereafter, yet another conciliation proceeding was held over these 3 demands and other pending demands on 7th November 1955, this time by Shri P. S. Dhamne, Conciliation Officer (Central), Jabalpur. Exhibit W-J is a copy of the minutes of the discussion that took place at that conciliation meeting. I have already referred to these proceedings. Suffice it to say that no settlement was reached and thereafter Government by its order dated 23rd December 1955 referred the dispute on the three demands under reference for adjudication under Section 10(1) of the Industrial Disputes Act, 1947.

37. I may say that after the evidence in this case was concluded, at the stage of addresses Shri Akhtar Hussain, the learned Advocate for the company, for the first time raised the contention that the Government Order of reference was not valid as what was referred to the Tribunal was not an "industrial dispute", as defined by Section 2(k) of the Industrial Disputes Act. His contention was that there was no industrial dispute as defined by Section 2(k) of the Act in existence when the Government made the order of reference. This objection was not raised by the company in the written statements which it had filed in this dispute. But Shri Akhtar Hussain has referred to the following sentence in the company's written statement dated 19th March 1956 as stating this objection:—

"The company states that the written statement of the union contains various facts and/or allegations most of which are incorrect and submits at any event they are not material for the purposes of the alleged dispute."

Shri Akhtar Hussain, replied upon the word 'alleged' in that statement as raising the contention which he was urging. But I am not satisfied that the use of the word "alleged" in that statement can be construed as the company having raised

the objections which Shri Akhtar Hussain has sought to argue before me. The word "alleged" in that statement was in my opinion used in the sense of the company denying its liability for the various demands on its merits and not in the sense that what was referred to by Government was not an Industrial Dispute as defined by Section 2(k) of the Act. This contention is not a pure question of law as urged by the company but is at best a mixed question of law and fact and not having been pleaded in its written statement, Shri Akhtar Hussain was not entitled to raise it at the final stage of addresses.

However, the contention of Shri Akhtar Hussain is that there was no industrial dispute in existence when the Government order of reference was made. Shri Akhtar Hussain has argued that the proceedings before Shri Hari Singh and Shri Dhamne, the Central Government Conciliation Officers were not conciliation proceedings. In my opinion these two Government Conciliation Officers intervened in the dispute because there was an industrial dispute and they were trying to bring about a reconciliation between the parties over these demands. The company was represented at both those proceedings and it never raised any objections to those proceedings, because it recognised them as conciliation proceedings. In fact, the company's representatives signed a certain agreement which was reached at the first conciliation proceedings held by Shri Hari Singh, Government Conciliation Officer at its colliery on 8th February 1955, by which it is agreed to the Junior Labour Inspector, Shri Shirsat, holding an enquiry and making a report over these 3 demands. Those were therefore clearly proceedings in conciliation under the Act, and it is further quite clear that the company took part in them as such. The General Manager of the colliery, Shri Gurumukh Singh, in his affidavit (Ex. E-70) has stated:—

"That after a week after resuming duty as Manager, after return from the Colombo Plan training, the deponent attended a conciliation meeting on 8th February 1955 at which the list of demands was circulated by Shri R. K. Dubey of which the document Exhibit E-30 is a copy."

Thus the manager of the colliery himself understood the proceedings to be proceedings in conciliation and took part in them as such.

It was next contended by Shri Akhtar Hussain that this was not an industrial dispute because the workmen of the colliery had not raised this dispute. Again the point was not raised in its written statement by the company, and it was only urged at the stage of addresses. The Government order of reference dated 23rd December 1955 states that in the opinion of the Government "an industrial dispute exists between the employers in relation to Messrs. Inder Singh & Sons Ltd. and their workmen in the West Chirimiri colliery." This is an administrative act of the Government and as held by the Hon'ble Supreme Court in the case of State of Madras Vs. C. P. Sarathy (1953-1-L.L.J. p. 174 at page 179) the industrial tribunal would not closely canvass such an administrative order. In this case as I have shown the Government had ample material before it to come to the conclusion that an industrial dispute did exist between the company and its workmen of the colliery over the demands under reference over which its conciliation officers had held three conciliation proceedings, which had all ended in failure. There is no doubt that a substantial body of the workmen of this colliery as represented by the Federation had raised this industrial dispute. It was next urged by Shri Akhtar Hussain that there was no industrial dispute as there was no demand nor any refusal of these demands by the management. As I have already stated, after the 3 demands under reference and some other demands were made by the Federation, conciliation proceedings on the demands were held by the Conciliation Officer (Central) Shri Hari Singh at the company's colliery's office at Chirimiri on 8th February 1955. At that meeting the company was represented by one of its Directors, the Manager of the colliery and its Labour Officer and they entered into an agreement which was also signed by the representatives of the Federation and the Conciliation Officer, as a result of which the Labour Inspector (Central) Shri Shirsat made his report on 21st June 1955. Then followed considerable correspondence between the company and the Conciliation Officer Shri Hari Singh. In the correspondence the company denied its liability to meet these three demands and the other demands made by the Federation and there was a refusal by the management to meet those demands. There was thus a demand and refusal. The demands are admittedly over matters which concern the "terms of employment" of the workmen of this colliery as they relate to payment of wages and thus an industrial dispute as defined by Section 2(k) of the Act clearly came into existence. There was yet another conciliation proceedings held over these three demands and some other demands on 15th and 16th September 1955 by Shri Hari Singh and later by Shri Dhamne, Central Government Conciliation Officers on 7th November 1955, at which also the representatives of the company and the Federation were present and after those conciliation proceedings ended in failure, Government was pleased to

refer this dispute to adjudication under Section 10(1)(c) of the Industrial Disputes Act. In view of these facts, it is impossible to accept Shri Akhtar Hussain's contention that there was no industrial dispute in existence at any time or at the time the Government made this reference. In my opinion Government had more than enough material to come to the conclusion that an industrial dispute did exist between the proprietors of this colliery and its workmen. There is ample evidence on record that the company also treated it as such. This contention is, therefore, rejected and I hold that there was an industrial dispute between the company and its workmen and that the Government's order of reference is valid, and I have jurisdiction to entertain the same.

37A. The company has next argued that it has not the financial capacity to meet these demands. It has filed a statement showing the annual financial position of the West Chirimiri Colliery (See Ex. E-56 at page 68 of the company's compilation) which has been prepared from the audited accounts of the company. That statement shows that since its inception till the period ending 31st March 1956 the colliery had never been able to earn any profits and that the accumulated loss incurred from inception till 31st March 1957 was Rs. 6,06,985-10-0. According to the company, Sir Inder Singh & Sons (Private) Limited had advanced to this colliery Rs. 36,12,141-11-0 upto 1955-56 and had made further advances thereafter, but no interest had been paid thereon. The company has also examined Ishwarlal Ramdas Desai (E.W.7) an Accountant of Inder Singh & Sons, in support of these statements. The witness had, however, to admit that the amount of advances stated above was really what Messrs. Inder Singh & Sons (Private) Ltd. who are the proprietors had invested in this colliery and that it was only for the purpose of accounts that the term advance had been used and that in fact Messrs. Inder Singh & Sons (Private) Limited was not charging any interest on the advances shown in Exhibit E-56.

37B. But apart from this, even assuming that the colliery is not being worked at a profit, the point to consider is whether on that ground the company can be absolved from its liability to pay the rates of wages fixed by the Korea Award. The wages fixed by the Korea Award were the minimum wages and they had to be paid irrespective of the financial position of the company. The selling price of coal of the collieries in the Korea coalfields and other coalfields has been fixed by Government from time to time.

"on the basis of an investigation into the cost sheets and examination of the accounts of a number of collieries which were considered representative in character. The amount of increase granted in the selling prices of coal was arrived at on the basis of the production cost per ton after taking into account among other factors the estimated increase consequent on the grant of increased wages and other concession to colliery labour plus a reasonable margin for profit." (See Exhibit No. 6).

No doubt, the company did not enjoy the benefit of the higher selling price of coal which was fixed by the Korea Notification and which had remained in force for a comparatively short period. That is because this colliery had during that period not started raising or selling coal. But when it did start selling its coal, it sold it at the same price which had been fixed by Government for the coal raised by the other collieries in the Korea Coalfield. The selling price so fixed by Government for the different qualities of coal was the same for all collieries in the Korea coalfield. In fixing the price, the Government takes into account the cost of raising a ton of coal of the particular quality and the price fixed by Government provides a reasonable margin of profit for the colliery owners. The company having enjoyed the benefit of the selling price of coal fixed by Government for the Korea coalfield, which was fixed after taking into account the wages payable to colliery workers at the minimum rates prescribed by the Korea Award, it cannot on the grounds of its unsatisfactory financial position plead that it is not bound to pay those wages. Besides, in its developing stage a mine may not be worked at a profit but that would be no ground for refusing to pay the minimum wages prescribed by an award on the basis of which the selling price of coal is fixed. I now proceed to discuss the demands on their merits.

Demand No. 1—

Is any payment for lead and lift due in respect of any period prior to the 10th October 1954 in accordance with para. 5 of the Notification of the late Government of Korea State, dated the 15th November 1947?

38. The question for determination under this demand is whether any payment for lead and lift is due in respect of any period prior to 10th October, 1954 in accordance with para. 5 of the Korea Award. However, at the hearing the

claim of the workmen was confined only to the payment for lead and not for lift Para 5 of the Korea Award prescribed the following basic scales for lead —

Lead	Extra payment for 36 cft tub
0' to 50'	Nil
50' to 100'	As 1/1
100' to 150'	As 3/3
150' to 200'	As -/1

and for every 50 beyond 200' an additional As 3/3-"

Before discussing this demand on its merits the term lead may be explained. Lead is the distance from the working place from where coal is collected to the place where the coal is deposited in tubs on tram-lines left for loading coal. Loaders have to carry the coal in baskets from the working place to the tramline to deposit the coal in the tubs. For this additional expenditure of energy the workmen are paid extra basic wages at rates varying with the distance to be covered and the payment prescribed is per tub or cft. It is admitted that this colliery for the first time started paying for lead to its loaders only from 10th October 1954 and the demand under reference is for payment of lead from the date of the opening of the colliery till 10th October 1954. The Federation in its written statement dated 25th February, 1956 has urged that there was lead in the colliery even prior to 10th October 1954 and it is stated that the workmen were entitled to payment for lead at the rates prescribed by the Korea Award retrospectively. It claims that prior to 10th October 1954 on an average the lead distance was between 100 to 150 feet i.e. 1½ pillars to 2½ pillars and for that claim relies upon the report of the Junior Labour Inspector who had recommended payment at this rate in his report dated 21st June, 1955 already referred to above. The company has denied in para (e) of its written statement dated 19th March, 1956 dealing with this demand that the Junior Labour Inspector made an enquiry regarding the payment for lead to workers but it denies that there was any finding that the average distance of lead in the past was between 100' to 150' as alleged. The company states that from October 1954 when it found that the workers should have some payment for lead, it started paying them for it at rates prescribed in the Korea Award. The company has denied that there had been any occasion prior to 10th October 1954 for payment of lead. In other words, that there had been no lead prior to 10th October, 1954. The company has stated that there was no claim prior to 10th October, 1954 regarding the non payment for lead as alleged and that in any event on the facts and circumstances of the case there cannot be any order for retrospective payment for lead. In its supplementary written statement dated the 17th August, 1956 the company stated that the three demands under reference were wanting in essential particulars and unless particulars were furnished it was not possible to submit a definite reply. On the question of lead the company demanded particulars of occurrence of lead with relevant dates and duration anterior to 10th October 1954 with special reference to the specific personnel involved and whether any formal claim in writing in respect of any alleged lead was made at the time when the lead is alleged to have actually existed. In its reply to this supplementary written statement dated 24th November 1956 the Federation has contended that the joint enquiry held by the Junior Labour Inspector in the presence of the representatives of the employers and employees had amply disclosed that the employers had not maintained any records for lead and lift prior to 10th October 1954 and had thereby committed a breach of Rule 17 of the Payment of Wages (Coal Mines) Rules 1949. The Federation has stated further that at the joint enquiry the existence of lead and lift prior to 10th October 1954 had been proved and that the company in asking for particulars of occurrence of lead with dates and specific personnel involved was simply trying to waive the issue and escape the liability of payment of rightful dues of the workers. It is contended that the workers have been demanding the dues from the employers who has been postponing the settlement of the said dues. It is claimed that the lead should be paid retrospectively on the basis of the report of the Junior Labour Inspector.

39 In the conciliation proceeding of 8th February 1955 the agreement reached between the parties on this demand for the past payment of lead retrospectively was

It is agreed that the JLI(C) Chirimiri will enquire into this payment in the presence of the representatives of the management and the union immediately."

Now, it is admitted that in the evening of 8th February 1955, there was an inspection of the colliery at which the representatives of the employees and employers were present for examination of lead. It is also admitted that the Junior Labour Inspector as a consequence of this agreement, did hold another inspection in the presence of the representatives of the parties and made enquiries underground in this colliery on this demand, by questioning workmen about the existence of lead prior to 10th October 1954. In his report he has stated that for the past period, statements of the loaders and trammers etc. were recorded in the presence of the manager and the workers' representatives because once the place is worked out no trace of the working place and the loading point is left on the spot. He appears to have measured the distance of the then existing lead at 8 places and he has noted the distance of the lead existing on that date. In his report, Junior Labour Inspector has stated:—

"Now the demand of the workers is for the payment of lead for the period from the time of opening the colliery upto 10th October 1954.

The loaders, miners and the Trammers stated in the presence of the manager that the maximum lead was 3 pillars i.e. 180 feet and minimum was $\frac{1}{2}$ pillar i.e. 30 feet. On checking the measurements register it was seen that the management were not showing the distance of lead. The distances of lead are shown in the measurement books from the time they have started payments for it. Thus it is not possible to verify the statements of the workers from the records. But it is the responsibility of the management as per Rule 17 of the Payment of Wages (Coal Mines) Rules 1949 to maintain the measurement books and to issue measurement slips to the piece-rated. The management have evidently violated Rule 17 of the Payment of wages (Coal Mines) Rule 1949. As such also one has to believe the statement of the workers. Moreover, the distance of lead must have been longer as stated by the workers before 10th October 1954, since the management were not making any payment for lead.....

From the statements of the workers it is believed that the maximum lead was between 150' to 200' and also there were work places where lead was between 0' to 50'. Considering the average, from the statements of the workers the average distance of lead should have been between 100' to 150' i.e. between $1\frac{1}{2}$ pillars to $2\frac{1}{2}$ pillars.

"The demand of the workers for payment of lead with retrospective effect is quite reasonable."

40. This report of the Junior Labour Inspector was forwarded to the Manager of the colliery by the Regional Labour Commissioner, Shri Hari Singh by his covering letter dated 5th July 1955. As noticed earlier, he called upon the management to carry out the recommendations made by the Junior Labour Inspector in his said report. Then ensued the correspondence between the management and the Regional Labour Commissioner already referred to above and in its letter dated 18th August, 1955, the management stated as follows:—

"At the outset we may point out that we were not parties to the Korea Award and as such the question of implementation of the Korea Award for the period in question (from the time of opening of this colliery to 10th October, 1954) does not arise. Besides the conclusion of the Junior Labour Inspector himself admits that once the place is worked out no trace of the working place and the loading point is left on the spot and he also found that it was not possible to verify the statements of the workers from the records. Under the circumstances his conclusion is purely based on some uncorroborated or unverified statements of some of the workers and any direction based thereon is neither fair nor proper at all.

The management then went on to observe:—

"We have considered this matter very carefully and find that no case has been made out against us for paying for lead as claimed by the workers and as recommended by the Junior Labour Inspector, specially in view of the fact that the Korea Award is not binding on us. The fact that we have been paying for the lead according to the provision of the Korea Award since 10th October 1954, does not justify the claim for making such payment for the period prior to 10th October, 1954. This is purely a voluntary gesture made for the period since 10th October 1954 and cannot have any retrospective effect."

Pausing here, the contention of the company therefore on 18th August 1955 after the consideration of the Junior Labour Inspector report was that (1) it was not liable to pay for lead because the Korea Award was not binding on it, (2) that the payment of lead made by it after 10th October, 1954, was a voluntary gesture on its part and not in recognition of any liability imposed upon it by the Korea Award, and (3) that the Junior Labour Inspector did not hold an enquiry and that his conclusion was not correct as no records were maintained for the lead in the past and as it was based on un-corroborated and unverified statements of some of the workers. The questions therefore that arise for determination on this issue are (1) whether the company was liable to pay for lead under the Korea Award, and (2) whether there was any lead existing prior to 10th October 1954, when the company started making payment for lead, admittedly at rates fixed by the Korea Award but based on the smaller size of its tubs which are of 33 c.ft. capacity. On the first question, I have already held that the Korea Award was validly made and the company was bound to pay and the workmen were entitled to receive wages and other payments as prescribed by the Korea notification. I would, therefore, answer the first question in the affirmative. On the second question at the hearing the witnesses on behalf of the workmen stated that lead did exist in this colliery even prior to 10th October, 1954, but no payment for it was made. The workmen's witnesses have stated that the average lead was to the extent of $1\frac{1}{2}$ pillars to 3 pillars, it being admitted that the length of a pillar is about 60 feet. The company's witnesses on the other hand have stated in their affidavits that there was no lead at all as the tram-lines and tubs were taken right upto the working place. In the affidavits of some of the witnesses of the management it was stated that there had been no lead upto October 1954 as the colliery had adequate haulage equipment and the tram-line is brought to the working place for the prompt loading and expeditious clearance of the working place. (See Affidavit of Sibboo S/o Kali-Exhibit E-61) Later, the management's case underwent a change. Its case was that there was some lead but it did not exceed 50 feet and therefore the workmen were not liable to payment for any lead. For instance the manager of the colliery in his Affidavit Exhibit E-70 has stated that between the period from 17th April, 1952 till 17th April, 1954, the distance between the working place and the loading point was not at any time allowed to exceed 25 to 35 feet.

I find it impossible to believe this. I am satisfied that in any case prior to 10th October, 1954, no measurements of lead were at all taken or their record maintained. The company through its witness Shri Ramkhilawan S/o Shriv Mohan (E.W.3) miner, was made to say in his affidavit (Ex. E-58) that prior to 10th October 1954, there was no lead in the colliery and that the tram-lines were extended to the working face expeditiously by paid employees of the colliery to enable quick progress. However Shri Nohar Sai (E.W. 4) a Tub-writer who had to measure & record the lead when questioned in cross-examination as to the manner in which lead was measured and recorded in this colliery, stated as follows:—

"Even now I do not know at what rates lead payments are made. It is however true that payment for lead is made on the lead recorded by me. I determine the distance of the lead by taking the length of the pillar to be 60/- and if the distance is longer than the length of a pillar I measure the same with a stick which I keep with me. The stick is not supplied to me by the management. It is a bamboo stick. The stick is 3 feet in length and I say this because it measures two-hand lengths. I am not supplied with a measuring tape and therefore I use the stick for taking measurements. The stick is primarily taken down by me for my personal protection. No tub-writer is supplied with a measuring tape. In the slips supplied by me to the loaders, I only mention the name of the loader, his father's name and the number of tubs loaded by him. The slip does not contain any entry about lead. The same system is followed by me even today."

On this method of measuring and recording the lead it is impossible to believe the company's story that lead was never allowed to exceed 25 to 35 feet when even today measuring tapes are never supplied to the persons whose duty it is to measure and record the length of the lead and when lead has to be measured by sticks, not even supplied for the purpose, but taken down in the colliery by tub-writers for their personal safety. It appears to me that no measurements of lead were ever recorded prior to 10th October, 1954 and that for the simple reason that the company did not consider that the workmen were entitled to payment for any lead or it was liable to pay for it.

Now, Rule 17 of the Payment of Wages (Coal Mines) Rules 1949 to which the Junior Labour Inspector has referred is as follows:—

"In the case of piece-workers, the surveyor who measures the work for such workers, shall at the time of measurement, hand over to the miners a statement in writing containing the measurement figures immediately after taking the measurements in the presence of the workers concerned. A record of measurement shall also be maintained in a measurement book of permanent nature and at the close of the wage period a list of measurements shall be written up under the signature or thumb impression of the workers and a copy thereof shall be given to the workers also. In case of disputes regarding measurements the surveyor shall, as far as possible, settle the dispute on the spot."

Now it is established that no measurement book of a permanent nature as provided by this Rule was maintained by the company, in any case in respect of the measurement of lead prior to 10th October, 1954. The company's contention is that it was not necessary to maintain any such record, because the lead did not ever exceed 50 feet prior to 10th October, 1954. I am of the opinion that this is a wrong construction to put on Rule 17 of the Payment of Wages (Coal Mines) Rules 1949. Rule 17 makes it mandatory that all measurements in respect of payment to piece-rated workers should be maintained and the workers supplied a copy thereof. It requires that the measurement should be taken in the presence of the workers concerned and a permanent record should be maintained. The record is required to be maintained for the purposes of determining the measurement for the purpose of piece-rate payments and it is obligatory on the management to maintain such records and I am of the opinion that such record had to be maintained irrespective of the fact that the distance of lead was less or more than 50 feet. An attempt was made by the management to establish during the hearing that measurements slips were issued for the measurements of work done by the piece-rated workers but the evidence on the point is so unsatisfactory that I am not at all satisfied that the company had maintained any records of the distance of lead prior to 10th October, 1954. In having failed to make such entries the company has clearly violated the provisions of Rule 17. The very object of providing for such measurements being entered in a book of a permanent nature is that an employer who has failed to record measurements, may not turn round and say that no payment was due because the work done did not exceed the limit of the measurement for which no payment was to be made. Bearing in mind the company's stand that it was not bound to pay for lead because the Korea Notification was not binding on it, it would be very surprising indeed if the company took special care to see that the lead was not allowed to exceed 25 to 35 feet. There would have been no cause for any such anxiety on the company's part as according to it, it was not liable to pay anything at all for any lead, even if it exceeded 50 feet, its contention throughout having been that the Korea Award which prescribed payment for lead was not binding on it. The management has relied upon its wage payment sheets, for the week ending 10th July, 1952, which have been initialled by Shri Shirsat, Junior Labour Inspector (Central), who made the enquiry and the report referred to above. In those wage sheets there is a column provided for showing the wages earned by way of lead and lift. But there was no entry in those columns for any payment on account of lead or lift. The company's contention is that as these wage sheets were initialled and found correct by Shri Shirsat it must be presumed that there was no lead to be paid for. But these wage sheets are quite different from the measurement records required to be maintained under Rule 17, which have to show the actual measurements. Simply because Shri Shirsat has initialled some of the wage sheets it cannot be inferred that there was no lead in the colliery for the period prior to 10th October, 1954.

The company has also sought to rely upon the separate affidavits of 47 loaders in which it is stated that there was no lead prior to 1st October, 1954. But the originals of these affidavits were forwarded to this Tribunal by post along with the company's application dated 15th April, 1958 and were received by this Tribunal after the hearing of this reference had concluded on 13th April, 1958 and as none of these loaders were examined as witnesses or tendered for cross-examination, they cannot be considered.

41. I am of the opinion that an inference must be drawn against the management for not having maintained the measurement of lead as required by Rule 17 of the Payment of Wages (Coal Mines) Rules 1949. It is pertinent to note that

it is the company's case that there was no lead at all in as much as the tramlines were taken right upto the working place. Anyone who has even a limited knowledge of the working of coal mines knows that in actual practice it is not possible to bring the tramline and the tubs right upto every working place in all the different galleries. It may be that a tramline may be extended upto a particular working place, but it would be most unusual. If the tramlines and the tubs are brought right upto every working place in all the galleries. It was because of this fact and to compensate to the workmen for the additional labour involved in carrying the coal in baskets from the working place to the tubs on the tramlines that an extra payment for lead was provided by the Korea Award, following the direction on the same lines made by the C.B. Award applicable to the coalfields of Bengal and Bihar and the C.P. Fact Finding Committee report to the coalfields in Madhya Pradesh. It is a well known fact that there is a general complaint from coal workers that there is evasion on the part of the employers in the matter of payment of lead. This is probably one of the reasons why Rule 17 provided such strict recording of measurement for payment to piece-rated workers. Subsequently the company altered its position and sought to argue that the distance from the working place to the tub point had not at any time exceeded about 35 feet. But even for ascertaining this distance of 35 feet measurements were required to be taken and recorded. It is difficult to rely upon the company's witnesses' statement that the lead never exceeded 35 feet prior to 10th October, 1954 in the absence of any records which the company was under an obligation to maintain with regard to the actual measurement of the lead distance. The company has argued that as this was a mine in the development stage there was never much lead prior to 10th October, 1954. But the company's witness Shri Charan Singh Dhesi (E.W. 10) who was examined by the company as an expert stated:—

"Theoretically we do not want that there should be any lead in a coal mine because it is of no profit to the colliery. In practice, in a new mine the tracks are kept upto the working place and there is therefore no lead. This is for two reasons. Firstly the workmen employed to lay the lines are not over-worked and secondly the management's efforts is to keep the track upto the working place so that there is more progress."

But later he stated that as lead is paid for when the distance from the place from where coal is lifted to the tubs on the tracks exceeds 50 feet, there is no lead when the tubs are kept up to the working place within the distance of 50 feet. This witness was working in the West Chirmiri colliery for only four months, from May to August 1956 as Assistant Manager. His claim to be an expert was considerably watered down when in cross-examination he had to admit that he had qualified as a First Class Colliery Manager only so late as in April 1957. Besides, this witness came to give evidence without a witness summons and had the benefit of an interview with the manager of the colliery Shri Gurumukh Singh, who requested him to give evidence in this case as an expert. I was left with the impression that this witness had come to give evidence in this case because of his past loyalty to the company and I have considerable hesitation in accepting him as an expert. In cross-examination this witness stated that each month this colliery had advanced by about one level, each level being 60 feet from centre to centre of the pillar. This would show that even prior to 10th October, 1954 the galleries in this colliery had advanced considerably, and therefore the contention of the company that there was no lead because this colliery is in a developing stage loses much of its force. There would be lead in a colliery both during the developing and the depillaring stages. I also cannot accept the company's contention that there is no lead unless the distance between the working place and the tub point exceeds 50 feet. In the Korea Award—as in the Conciliation Board Award and the C.P. Fact Finding Committee—lead is shown even when the distance is between 0 to 50 feet but it is provided that no payment is to be made for it. This only means that even when the distance between the working place and the tub point is 50 feet, there is lead but no extra payment is to be made for carrying the coal till that distance. It does not mean that there is no lead when the distance between the working place and the tub point is less than 50 feet. It is also difficult to believe that there should not have been any lead exceeding 50 feet prior to 10th October 1954 and that suddenly the lead should have developed at certain working places beyond 50 feet after that date. But there is another explanation for it. It appears that in October 1954 the then Manager of the colliery Shri Gurumukh Singh had gone on long study leave to a foreign country, and one Mr. Hunter was appointed to officiate as Manager in his place and it was during the regime of this manager that lead was paid for the first time as also a certain extra amount for boring holes. It appears to me that the

management did not pay any lead to its workmen prior to 10th October 1954 not because there was no lead to be paid for but because its contention was that it was not bound to do so as the Korea Award did not apply to it. In fact this is the main contention of the management in its letter of 18th August, 1955 above referred to and that after 10th October, 1954 the company started paying it because the new manager Mr. Hunter realised that the workmen had been wrongfully deprived of their lead payments prior to 10th October, 1954 and did justice to the workmen by not continuing to deprive them of their lead payments. Much has been made of the manner in which Shri Shirsat had enquired of the workmen at the time of his inspection about the existence of the lead prior to 10th October, 1954. No doubt there are certain discrepancies in the evidence of the workmen on this point but the workmen were necessarily speaking about the existence of lead prior to 10th October, 1954 from memory. The onus of maintaining the record was upon the management and the company having made a breach of these obligations cannot throw the burden of strictly proving the particulars of lead prior to 10th October, 1954 wholly upon the workmen. On the evidence on record both oral and documentary I am satisfied that even prior to 10th October, 1954 there was lead in this colliery and that the workmen were entitled to payment for the same as prescribed by the Korea Award and that the management had wrongfully deprived them of this payment. I would, therefore, answer the second question formulated earlier in favour of the workmen.

42. The next question that falls for consideration is how to determine what payment the workmen are entitled to. It is admitted by both sides that when a working place is worked out it is not possible to determine what was the distance of lead on any particular day as both the working place point and the tub point disappear.

43. The Junior Labour Inspector in his report stated that the payment of lead should be on the average distance of 100 to 150 feet i.e., $1\frac{1}{2}$ pillars to $2\frac{1}{2}$ pillars, with retrospective effect. This would mean that the loaders should be paid basic wages at the rate of As. -/3/- per tub of 36 c.ft. as prescribed for lead by the Korea Award when the distance of the lead is between 100 to 150 feet and he has directed that retrospective payment at that rate should be made.

44. It is true that Shri Shirsat (W.W. 2) admitted in his cross-examination that he had not taken down in writing the statement which the workmen made to him as also the statement made by the representatives of the management at the enquiry which he had held inside the colliery on the point of lead. The workmen's case is that he had examined a large number of workmen whilst the management says that he had questioned only a few, 2 or 3 workmen. But the company did not put any question to Shri Shirsat in cross-examination as to the number of workmen whom he had questioned on this point at the inspection. I am inclined to think that both parties have considerably exaggerated their respective case on the point. On the evidence on record, I am inclined to the view that Shri Shirsat's conclusion that there was some lead to be paid for even prior to 10th October, 1954 is correct but I am inclined to think that his conclusion that the average lead was of a distance between 100 feet to 150 feet, i.e., between $1\frac{1}{2}$ pillars to $2\frac{1}{2}$ pillars is on the high side. I am inclined to think that it would have been fairer to have fixed the average lead as being between 50 to 100 feet. The Junior Labour Inspector held that the maximum lead was between 100 feet to 200 feet and also that there were work places where the lead was between 0 feet to 50 feet. He, therefore, determined the average distance of lead as being between 100 to 150 feet i.e., between $1\frac{1}{2}$ to $2\frac{1}{2}$ pillars and recommended payment on that basis to the loaders with retrospective effect. In this case as the management had failed to keep any record of the lead of each working place prior to 10th October, 1954 and as it is now not possible to determine what the lead distance was at any particular working place on any particular day, necessarily some average distance of lead will have to be adopted, if the workmen are not to be deprived of the payment which was wrongfully denied to them. On the evidence I am not satisfied that the Junior Labour Inspector was justified in accepting the average of lead as being 100 to 150 feet, which would mean an extra payment of As. -/3/- for a 36 c.ft. tub to each loader. I think that ends of justice would be met if the average distance of the lead is taken to be between 50 to 100 feet for which distance the loaders would be entitled to payment of one anna by way of additional basic wages for loading each tub of 36 c.ft. In this colliery the tubs used are of 33 c.ft. capacity and the payment would therefore have to be at the rate of 11 pies (old) for each tub of 33 c.ft. loaded. On this basis it would be possible to ascertain the amount payable because we have on the record of this case the total tonnage of coal raised in this colliery each year from 1950 to 1954 and for the subsequent

years the company must be having the records. The raisings in 1950 and 1951 were comparatively small and it may also be that there was not much lead payable during the early stages of the working of the colliery. I would, therefore, direct payment of lead to loaders who were engaged in the company's service from 1st January, 1952 to 9th October, 1954. The company shall work out from the total tonnage of coal raised every month, the amount that would be payable for lead on the basis of extra basic wage payment of 11 pies per tub of 33 c.ft. If the record of the number of tubs of coal raised in each month during the said period from 1st January, 1952 to 9th October, 1954 is not available then for the purpose of determining the total number of tubs raised, the generally accepted basis of 40 c.ft. being equal to one ton will be adopted—and the amount so ascertained as payable for each month shall be divided equally between the loaders who were in the employment of the company in that month. The company will no doubt require some time to make its calculations. I would, therefore, direct that the company should make its calculations and prepare a statement within 3 months of the award becoming enforceable, showing what amount is payable to each loader employed by it during that period and put the statement on the notice board of colliery for their information. With regard to the loaders who were in the service of the company during 1st January, 1952 and 9th October, 1954 and who are continuing in its service there will be no difficulty in making payment of the amount found due to them and the company shall make payment to them without one month of the date the statement is put up on the notice board. There must, however, be a number of loaders who were in the service of the company during 1st January, 1952 and 9th October, 1954 but who are not in the service of the company now and with regard to them I direct that they shall be paid the amount so found due to them provided they make a claim in writing for the same within 6 months of the date the statement is put upon the notice board of the company.

Demand No. 3—Extra wages for boring holes to Miners—

45. The question referred for adjudication under this demand is whether the miners are entitled to extra wages for boring holes in accordance with the note (1) below item No. 1 of the aforesaid notification of the late Government of Korea State and if so, to what extent and from what date?

46. The direction under note (1) of para 1 in the Korca notification is as follows:—

NOTE 1:

"holes required for drilling are to be paid for separately."

At the very outset it may be noted that the Korea Award does not specify the rates at which this work is to be paid for.

47. The Federation in its written statement of 24th February, 1956 has stated that from the starting of the colliery the workers were required to drill holes but they were not getting any separate and extra payment for the holes made by them as required by note (1) of the Korea notification; that on the complaint of the Federation the workers were paid As. -/1/3 per hole from 30th October, 1954 onwards. It is urged that though the Korea notification did not mention any rate for drilling holes it was a practice in the neighbouring collieries like the Chirimiri Colliery and the Pouri Hill New Chirimiri Colliery to pay the workers at the rate of As. -/1/- per foot of hole when required to work on the rate system and Rs. 1/-/- per basic per day on time rated system. The Federation has also on this demand complained that the management had not maintained any records of the holes made by miners who are piece rated workers as required by Rule 17 of the Payment of Wages (Coal Mines) Rules 1949. It, therefore, claims that for boring holes workmen should be paid at the rate of As. -/1/- per foot with retrospective effect on the basis of the report of the Junior Labour Inspector above referred to.

48. The management in its first written statement dated 19th March, 1956 has stated that rates of wages given to the miner for cutting coal was fair and ample and in any event sufficient remuneration for any work done in connection with drilling holes; that even compared with the said Korea Notification the wages paid are satisfactory. The company however in spite of paying fair wages for the said work have been paying As. 0-1-3 per hole from October 1954, and it submits that that rate is fair and equitable. The company denies any knowledge of the alleged rates prevailing in North Chirimiri and Puri Chirimiri and as such does not admit the same. In any event, the company states that those rates are too high and should not be allowed. In its additional written statement

the company as in the case for lead has called upon the Federation to specify whether any specific rates for boring holes had been settled by agreement in writing and to furnish the particulars of the number of holes bored with relevant dates and to specify the personnel involved. The Federation in its rejoinder dated 24th November, 1956 has in reply relied upon the report of the Junior Labour Inspector on this demand and has urged that the dues for boring holes should be settled and awarded in accordance with the findings and recommendations of the Junior Labour Inspector.

49. I may say that during my inspection of the colliery I was given a demonstration of how a hole is bored by a conqueror drill, and that in the demonstration a hole was drilled in less than 5 minutes.

50. The contention of the management is that the drillers are not entitled to any extra payment because of the peculiar method of winning coal which has been adopted in this colliery. It appears that there are two methods of winning coal in this colliery, one is by hand cut by pick which is known as "hand cut method" and the other is the "under-cutting and blasting" method. The second method as described in his evidence by the Manager of this colliery Shri Gurumukh Singh (E.W. 11) is that first and undercut of 12 feet in length 3 feet in depth and of a height of 2 to 2½ feet in front and 0 to 6 inches on the rear is given. Thereafter, usually holes are bored above the undercut and then the holes are filled with explosives and the coal is blasted down. Sometimes a seventh hole has to be made. Then the gallery surface to a height of 7 feet is dressed. This is known as the undercut and blasting method. I may pause here and say that as stated by the General Manager, the proportion of coal won by the method of handcut by pick and by undercutting by blasting is in the ratio of about 1 to 3 i.e., 25 per cent of the coal is won by the method of hand cutting by pick and 75 per cent by the method of under-cutting and blasting. It is admitted that a gang of 4 miners do this work of under-cutting and blasting and the rate paid to them is Rs. 11-4-0 for each such operation, which resulted in 3 feet progress in a gallery of 12 feet by 7 feet. Mr. Hunter, who was officiating as Manager of the colliery when Shri Gurumukh Singh was on leave since 30th October, 1954 started making extra payments to the miners at the rate of As. 0-1-3 per whole of 3 feet drilled and since then that rate has been in force. The Federation, however, claims that the miners are entitled to a separate and additional payment at the rate of As. -/3/- per hole of 3 feet retrospectively from the time the operations of mining commenced in this colliery. It therefore claims that the miners should be paid As. -/3/- basic per hole from the time the colliery started raisings till 30th October, 1954 and from 30th October, 1954 till 26th May, 1956 when the Majumdar Award came into force they should be paid As. 0/1 9 as additional basic pay per hole bored.

51. Now, the agreement of 8th February, 1955 (Ex. E-33) before the Regional Labour Commissioner (Central) Nagpur, provided that the Junior Labour Inspector, the Federation and the management will enquire into and submit their report as soon as possible. But after an enquiry at which the representatives of the management and the Federation were present, only the Junior Labour Inspector submitted his report dated 21st June, 1956 (Ex. E-34) in which he stated that from the very start of the colliery holes required for blasting were bored by the miners but no separate payment was made to the drillers as required by the provisions of note (1) to para 1 of the Korea Award; that on the complaint of the workers he had taken up the matter with the management and thereafter the management for sometime employed drillers and paid them at the rate of As. -/1/- per foot of hole bored with effect from 8th October, 1954. The management also employed hand drillers at a rate of Rs. 1-0-0 basic pay per day with equal amount of dearness allowance. But thereafter with effect from 30th October, 1954 the management started getting holes bored by miners and has been paying them at the rate of As. -/1/3 per hole of three feet. This payment is made to the miners in addition to the wages paid to them for the under cutting and blasting method of winning coal. The Junior Labour Inspector noted that the Korea Award had not prescribed any rate of payment for making holes, but that in the Jhagrakhand colliery the rate agreed upon is 9 pice per foot of hole of 3 feet and As. -/1/- per foot of hole of more than three feet. In Kurasia Colliery quarry, the rate for drilling holes was As. -/1/- per foot of hole. He therefore found that the rate paid in this colliery for making holes at the rate of As. -/1/3 per hole of 3 feet was the lowest in the Korea Coalfields where the general rate for drilling holes was As. -/1/- per foot of hole on piece rate basis and Rs. 1-0-0 basic per day on time rated basis. He has noted that in West Jhagrakhand colliery the management had started paying drillers for boring holes at the rate of As. -/1/- per foot i.e., As. -/3/- per hole of 3 feet. He, therefore, held that additional payment to

miners for drilling holes at the rate of As. -/3/- for holes of 3 feet was justified. He held that the management had violated Rule 17 of the Payment of Wages (Coal Mines) Rules 1949 in not having maintained the measurements and records of the holes made by the miners. He also held that in not implementing the Korea Award the company had made a breach of Section 29 of the Industrial Disputes Act, 1947. Junior Labour Inspector then referred to the under cutting and blasting method and worked out the average yield of coal per hole of 3 feet as being 1.3 tons approximately. He went on to observe that the total holes so far bored by the miners would be the total raising of coal and recommended that after determining the total number of holes on the above formula, payment to the miners should be made in proportion to the work done by them.

52. The questions that fall for determination on this demand are therefore (1) whether in view of the method of winning coal by the process of undercutting and blasting, the miners who bored holes were entitled to any additional payment for boring holes. (2) What should be the rate for boring holes and (3) the period for which such payment should be made.

53. The Korea Award fixed the following rates of minimum basic wages for coal cutters (miners) for an 8 hour shift.

“(a) Underground:

- (i) At a rate of Re. 1/- per 100 c.ft. in the case of machine cutting,
- (ii) 25 c.ft in the case of hand cutting, and
- (iii) 45 c.ft in the case of solid blasting.

With all measurements to be in the solid.”

54. Now, the company's contention is that by the payment of Rs. 11/4/0 for each operation of undercutting and blasting which results in the progress of 3 feet in a gallery of 12 feet by 7 feet, the rate works out to the basic wage of Rs. 1/- for 45 c.ft in the case of solid blasting as prescribed by the Korea Award. It is admitted that the undercutting in this colliery is done by hand by miners and not by a coal cutting machine. The measurements according to the company of the undercut (Nalli) is 12 feet in length 3 feet in depth and 2 1/2 to 3 feet in height in the front, tapering down to 0 inches to 6 inches at the rear and that that process yields about 1 1/2 to 2 tubs of 33 c.ft capacity used in the colliery or 40 to 45 c.ft of coal. The company it is admitted does not pay anything extra for the undercutting of coal i.e. cutting of the Nalli which is done by pick by hand by the two of the 4 miners who form the gang, when doing one operation of undercutting and blasting. There is a controversy over the actual measurement of the Nalli. According to the management from the undercutting 45 c.ft of coal is won but according to the workmen the coal thus extracted would be about 57-3/4 c.ft because they dispute the measurement of the Nalli particularly with regard to its average height. The company contends that the average height of the undercut is only 1 1/2 feet because its contention is that the height of the Nalli at the rear tapers down to 0 inches to 6 inches. In this connection, it is important to note that in the letter which the management had addressed to the Chief Inspector of Mines on 5th August, 1955 (Exhibit E-67) the measurement of the Nalli or undercut were shown to be as being 2 feet in the front and 9 inches in the rear whilst before me at the hearing it was strenuously contended that the height of the undercut at the rear was between 0 inches to 6 inches. It will thus be seen that there is a discrepancy in the measurements of the Nalli as given by the management in its letter to the Chief Inspector of Mines and as stated by it before me. This would affect the quantity of the coal won by the undercut. The workmen have contended that undercut yields at least 57-3/4 c.ft whilst the company's contention is that it yields only 1 1/2 to 2 tubs i.e. 45 c.ft. Now the workmen claim that they are entitled for this undercut at the rate of hand cut coal prescribed in the Korea Award which is Re. 1/- for 25 c.ft. For this they have made a separate demand but that demand is not before me. But the question is incidental to whether the company's contention that the rates of Rs. 11/4 which it is paying for one operation of undercutting and blasting is a proper rate under the Korea Award. In this connection, it is worthy to note that the Chief Inspector of Mines Shri S. S. Grewal had stated in his letter of 23/24th August 1955 written in reply to an enquiry from the company's that, "the coal undercut by a pick or otherwise, irrespective of the height of the cut is classified as machine mined coal provided the depth of the undercut is more than the depth of the shot holes". (Ex.E-68). In a subsequent letter addressed on 16/17 January, 1956 (Ex.E-66) addressed to the Under Secretary to the

Government of India, Ministry of Labour & Employment, Shri Grewal stated that:—

"The yield of coal after blasting is the same as obtained by machine cutting and therefore, the rate of payment for loading of this coal should be the same as for machine cut coal. Nevertheless extra labour is spent in making an undercut by pick which should be paid separately."

"The company contends that the rate of Rs. 11-4-0 paid is more than adequate and it has for this purpose relied upon what Shri Grewal has stated in his letters referred to above. Shri Grewal was examined as a witness before me. (E.W. 8). It is clear that what Shri Grewal was referring to was in respect of rates for loading the blasted coal, and he stated that it should be treated as machine cut coal provided the depth of the undercut is more than the depth of the shot holes. He further stated that additional payment should be made for the undercut by pick. Now, it is quite clear on the evidence before me in this case that the depth of the undercut was 3 feet and that the depth of the shot hole was also 3 feet. Therefore, the condition prescribed for treating this coal as machine cut is not fulfilled. It was, however, sought to be argued by Shri Akhtar Hussain, the learned Advocate for the company that the depth of the shot hole was less than 3 feet and he has for that purpose sought to reply upon the letter dated 31st August, 1955, which was addressed by the manager of the colliery to Messrs. Inder Singh & Sons Ltd. in which he had stated that in all cases in this colliery the depth of the shot hole is less than the depth of the undercut (Ex.E-55 at page 66 of company's compilation). But this letter was evidently written after the letter from Shri Grewal dated 23/24th August 1955 was received by the company. The letter however, does not mention the measurement of the depth of the shot hole or that of the undercut, for which we have definite evidence on record as being 3 feet in both cases. Shri Akhtar Hussain has next relied upon an answer given in cross-examination by the company's witness Ram Khilawan (Ex. E-W.3) that the depth of the shot hole was less than that of the undercut. But Ram Khilawan in paras 2 and 3 of his affidavit dated 9th November, 1955 (Exhibit E-58), which is drawn up by the company, has clearly stated as follows:—

Para 2.—"The gang of 2 miners undercut coal by 12' by 3' by 2'-6" to 2' in front and 0" to 6" at the rear in less than one shift of 8 hours which fills 1½ to 1-¾ tubs."

Para 3.—"That the miners drill 6 holes each 3 feet deep with the aid of conqurcor drills supplied by the colliery."

In 2 of the applications of the miners by which according to the company they had agreed to accept 5 pice for boring each hole the depth of the hole is clearly stated as being 3 feet. (see applications dated 5th June, 1955 and 10th June, 1955) [Exs. E-52(4) and Ex. E-52(5)]. Throughout the proceedings before me the evidence of the company was on the lines that the depth of the shot holes and of the undercut in this colliery was 3 feet and therefore the condition prescribed by Shri Grewal for treating the coal as being machine cut is not fulfilled.

The union has argued that the undercutting yields 57-¾ c.ft of coal. On this basis at the hand cut rate of Rs. 1/- for 25 c.ft prescribed the workmen would be entitled to Rs. 2-28 as basic wages. The company contends that the undercutting of the Nalli yields 45 c.ft and the blasting after boring yields another 207 c.ft., the total yield being 252 c.ft. Even assuming that the undercut yields only 45 c.ft as stated by the management, the miners were entitled to payment of Rs. 1-80 nP as basic wages for this work at the rate of Rs. 1/- for 25 c.ft. prescribed by the Korea Award for the handcutting coal. The company's case was that the blasting yielded 207 c.ft in solid and even taking the rate Rs. 1/- for 45 c.ft prescribed by the Korea Award in the case of solid blasting the workmen were entitled to Rs. 4-60 nP as basic wage for this 207 c.ft. of coal.

55. Thus the total amount of basic wages come to Rs. 6-40 nP and as dearness allowance would be an equal amount, the total amount of basic wage and dearness allowances would be Rs. 12-80 which is more than the rate of Rs. 11-4-0 paid by the company. The Korea Award provides a separate payment for holes and the Federation has claimed at the rate of 3 annas per hole at the rate of one anna per foot of hole taking the depth of the holes to be 3 feet. Thus for boring six holes they claim Rs. 1-2-0. Thus in all, calculated even at the rate provided in the Korea Award on the basis of the measurements of the company these workmen are entitled to Rs. 13-92 for one operation of undercutting and blasting, whilst the company pays them only Rs. 11-25. Thus, therefore, the

miners' earnings at the company's rate falls short of Rs. 2-67 and after the company started paying at the rate of As. -/1/3 per hole, the short fall was Rs. 2-20 for each operation. After giving the matter my most careful consideration, I am of the opinion that the company's contention that the rate of Rs. 11-4-0 which it was paying for one operation of hand-cutting and blasting was more than fair rate under the Korea Award, is not substantiated. It does appear to me that on the calculations as shown above each gang of four miners was entitled under the rates prescribed by the Korea Award to more than what the company was paying them for the work done by them and that they were entitled to separate additional payment for making holes as provided by note (1) of the Korea Award under para 1 thereof.

But even apart from all this the company itself recognised that the miners were entitled to some additional payment for boring holes and started paying for it at Re. 0-1-3 per hole with effect from the end of October 1954 in addition to the rate of Rs. 11-4-0 which it was paying for each operation of undercutting and blasting. Thus the company itself recognised its obligation to pay separate additional payment for boring holes as prescribed by note (1) of para (1) of the Korea Award. There is no reason why the miners should not have been paid the same for the earlier period prior to October 1954. I would, therefore answer the first question formulated in para 52, in the affirmative.

56. Now with regard to the next question as to what should be the proper rate of payment for boring each hole, as has been stated in the report of the Junior Labour Inspector, for some time the company had employed workmen exclusively for boring holes. This was at the time when Mr. Hunter was officiating as Manager in the absence of Shri Gurumukh Singh on leave. It is clearly established from the evidence on record that the company had then employed drillers both on piece-rate and daily rate. To the piece rated drillers the company had paid at the rate of As. -/1/- per foot of hole i.e., at the rate of As. -/3/- for a hole of 3 feet and to the time rated drillers at the rate of Re. 1/- per basic wage and Re. 1/- by way of dearness allowance. The Junior Labour Inspector in his report has stated that the company was for sometime paying drillers at that rate. The management whilst admitting that separate drillers were employed has denied that the rate paid to them was As. -/1/- per foot of hole i.e., As. -/3/- for 3 feet deep. In this connection, the evidence of Shri Gurumukh Singh the Manager of the colliery is interesting. He has stated that he did make enquiries about the rate that was paid to these drillers and according to him though he was able to trace the records of payment made to the time rated drillers at Re 1/- basic per day, he was not able to trace the records of the payments made to the piece rated drillers. It is surprising that he should not have been able to trace the record of the payment to piece rated drillers whilst he could trace the payment made to the time rated drillers during the same period. He was then confronted with a record of the conciliation proceedings held by Shri P. S. Dhamne Conciliation Officer (Central), Jabalpur in November 1955 at West Chirimiri colliery. The minutes of the discussion at that conciliation proceedings (Exhibit W-J) were shown to Shri Gurumukh Singh in his cross examination. Demand No. 3 in that discussion was with regard to payment for making holes to miners. In that minutes it is recorded as follows:—

"The query No (ii) of the Chief Labour Commissioner in his copy of letter No. Con 5(56)/55 addressed to the Regional Labour Commissioner (C) Nagpur was put up to the Manager. He explains that the period for which the separate category of drillers was paid wages at the rate of anna one per hole of one foot from 9th October, 1954 was very short and those drillers were earning high wages so the system of payment on daily wages to them was started which also was stopped on 30th October, 1955 and again the miners were given the job of drilling holes at the rate of As. -/1/3 per hole of 3 feet on their preparedness to do so."

Shri Gurumukh Singh did not sign the minutes of this discussion held by the Conciliation Officer Shri P. S. Dhamne because Shri Gurumukh Singh stated that he had no authority to do so from the management. He has, however, in his cross-examination admitted that what was recorded in Exhibit W-J was correct except with regard to minor differences. Shri Gurumukh Singh in his cross-examination stated that he had not stated to the Conciliation Officer that for a short period the drillers were paid wages on the rate of As. -/1/- per foot of hole from 9th October, 1954 and that what he stated was that they might have been paid at that rate. Except for this he admitted that the minutes of the conciliation proceedings on Demand No. 3 were correct. It does appear to me that Shri Gurumukh Singh was only trying to water-down what he has admitted before the Conciliation Officer, Shri Dhamne. I am satisfied that the record of

the minutes (Ex. W-J) are correct and that Shri Gurumukh Singh had admitted before Shri Dhamne that the rate paid to the piece-rated drillers was one anna per foot of hole i.e. 3 annas for a hole of 3 feet. There is also other evidence on record to show that for sometime between 9th October, 1954 and 30th October, 1954 the company was paying them at the rate of As. -/1/- per foot of hole drilled.

57. The Junior Labour Inspector has in his report referred to the rates for bring holes being paid in other adjacent collieries where the rate generally was As. -/1/- per foot of hole. The management has stated that it was not aware of these rates. In the adjoining collieries when drillers were time rated they were paid at Re. 1/- basic wage per day which was also the rate paid in this colliery, when drillers were engaged on time rates. Hence it would be but fair to pay the same piece-rate as was being paid in the adjoining collieries. The fact that the company itself had paid at that rate to piece-rated drillers supports the conclusion that the proper rate to be paid for drilling holes is As. -/1/- per foot of hole and as the depth of the holes in this colliery was 3 feet, the miners would be entitled to extra payment at the rate of As. -/3/- per hole of 3 feet, and I would answer the second question formulated above accordingly.

58. It is next urged that the workers had accepted the rate of As. -/1/3 per hole which was brought into force in this colliery from about 30th October, 1954. In this connection, the company has relied on 9 sheets bearing the signatures of number of miners who had signed a writing purporting to accept the rate of As. -/1/3 per hole. The workmen's case is the signatures of the miners were obtained on a blank sheet of paper by one Shri Bhoothnath, who was a Mining Sirdar in this colliery by misrepresentation. The 9 sheets on which the management relies are Exhibit E-52 (1-9) on record. It appears that when the company appointed certain drillers on time and piece rate basis after 9th October, 1955 it was found by the miners that these drillers were not available at different working places which resulted in holes not being bored in time. According to the company the miners then offered to drill the holes themselves provided something extra was paid to them for this work. According to the company the miners therefore made an application to the management dated 4th November, 1954 agreeing to accept 5 pice per hole. The first application dated 4th November, 1954 is signed by only 92 miners. The remaining 8 sheets which contain the signature of the majority of the miners numbering 120 were signed between 5th July, 1955 and 9th January, 1956. Now, it is on record that Shri Gurumukh Singh the manager returned from leave in about February 1955 and he has in cross-examination admitted that the signatures on the remaining 8 sheets which were taken between 5th July, 1955 and 9th January, 1956 were signatures of new entrants and that he had made it a condition of their employment that they should sign a writing agreeing to accept the rate of As. -/1/3 per hole of 3 feet. The new entrants could not possibly before employment have known what the proper rates for making holes would be and it is not surprising that in their anxiety to get employment they should have signed any writing which the management asked them to sign. It cannot therefore be said that they agreed to these rates voluntarily. It must therefore be held that this was not a voluntary statement made by the miners accepting the rate of As. -/1/3 per hole. On a careful consideration of all the evidence on record and the submissions made by the parties I am satisfied that the miners were entitled to a payment of an extra basic wage at the rate of As. -/1/- per foot of hole. As the holes in this colliery are 3 feet deep they were entitled to additional payment of As. -/3/- per hole under note (1) of the Keros Award.

59. The next point to determine is from what date and to which miners and for what numbers of holes this payment should be directed to be made. It is admitted that out of the gang of 4 who did the work of undercutting and blasting 2 of the gang used to do the work of under cutting and 2 used to do the work of boring holes. However, all 4 were paid at the rate of Rs. 11-4-0 for the entire operation. Therefore whatever extra amount was to be paid would be shared equally between the 4 miners forming each gang. Now, as in the case of lead, the company has not maintained any record of the number of holes bored nor their measurements and it is admitted that sometimes not only six but an additional seventh hole was also bored. The question therefore arises is how the number of holes made is to be determined. The company has, as in the case of lead, sought to throw the entire burden of determining the number of holes and the miners who bored them upon the workmen. As was shown in the case of lead it was the statutory obligation of the company under Rule 17 of the Payment of Wages (Coal Mines) Rule 1949 to have maintained the records of the holes made by miners and their respective measurements. The company having failed to comply with these provisions, cannot take advantage of its

own wrong by throwing the entire burden of proof on the workmen. However, it is possible to determine the number of holes on another basis. The manager of the colliery Shri Gurumukh Singh in cross-examination has stated that about 70 to 80 holes would be required for winning 100 tons of coal by the method of undercutting and blasting. Now the quantity of coal raised each year from 1950 to 1951 and 1954 to 1955 in this colliery is on record (See company's letter WCC: Labour 55/1751 dated 28th September, 1955-Exhibit E-42). Between 1950 and 1954 the quantity of coal raised was 1,65,091 tons 15 cwt. I will take the round figure of the same at 1,65,000 tons. Out of this 4th i.e. 41,250 tons will have to be treated as having been won by the method of hand cutting in the ratio of 1:3 as stated by the Manager of the colliery. Thus 1,23,750 tons were won between 1950-1954 by the method of under-cutting and blasting. Now taking the average of 70 to 80 holes i.e. 75 holes being required to win 100 tons of the coal, the number of holes that must have been made for winning the 1,23,750 tons of coal during the years 1950 to 1954 was 92,812 holes. At As. -/3/- per hole the total amount would be about Rs. 17,400/-. For the period subsequent to the end of October 1954, the company will be entitled to deduct at the rate of As. -/1/3 per hole since the company has been paying at the rate of As. -/1/3 per hole subsequent to October 1954. The company must have the records of the number of holes made subsequent to that date. Even if it has got the records, the number of holes bored must be determined on the basis of 75 holes being required to win 100 tons of coal. The company of course has the figures of the raisings of coal for each month since October 1954. On the number of holes determined as stated above for the period subsequent to October 1954 and till 26th May, 1956, when the Majumdar Award came into force, the company is liable to pay its miners additional wages at the rate of As. -/1/9 per hole.

60. It is next urged by the company that as it is not now possible to determine who were the miners who bored the holes, it will not be possible to determine which of the miners are entitled to these payments. As I have stated earlier the miners in this colliery work in a gang of 4 and the payment uptill the Majumdar Award came into force i.e. 26th May, 1956 was at the rate of Rs. 11-4-0 to each gang of miners plus of course the payment of As. -/1/3 per hole subsequent to October 1954. The company must have the pay sheets and registers of the miners employed by it and from those records it would be able to find out the miners to whom the payment is due. It is true that many of the miners must have left the service of the company. The company shall however calculate what is due to each gang of miners and put up a notice showing what is payable to each miner on the basis of As. -/3/- per hole to be divided between 4 miners in each gang for the period between 1950 to October 1954 and at the additional rate of As. -/1/9 per hole for the number of holes bored after 30th October 1954 till 26th May 1956, when the Majumdar Award came into force. The company shall calculate and determine what is their due within three months from the date the award becomes enforceable and put up a notice on its notice board showing the amount so due to the miners. To the miners in service the payment shall be made within a month thereafter and those miners who are not in the service of the company shall be entitled to payment if they make a claim in writing within six months from the date the company puts up the list on its notice board. The miners not making a claim after 6 months of putting up of the above notice by the company, shall not be entitled to any payment and I award accordingly.

Demand No. 2—

The issue is whether the workmen of the colliery who were not entitled to any increase in wages under Para 1 of the Korea Award were entitled to any increase in wages in accordance with para 2 thereof, and if so, to what extent and from which date such increase should be allowed.

61. Now, as stated earlier, para 2 of the Korea Award provided as follows:—

“any class of employees not entitled to any increase in wages under the provisions given above may be granted an increase of 12½ per cent in their basic pay.”

62. The Federation, in its written statement dated 24th February 1956 has urged that whilst the management had implemented the directions in para 1 of the Korea Award, it had not implemented the directions of para 2 thereof. It claims that this increase of 12½ per cent should be given from the date of the implementation of the directions in para 1 of the Korea Notification. It has urged in support that this 12½ per cent increase was given in the neighbouring collieries to all the workers who joined long after the date of the award came into operation.

63. The company in its written statement dated 19th March 1956 has denied that the workmen in its colliery were entitled to get the 12½ per cent increase in their basic wages under para 2 of the Korea Award because that Award did not apply to this colliery and it denies that it has implemented any directions of the said Award as alleged; that whatever wages the company is paying to its workmen are fair wages which were fixed after taking into account the nature of the work involved. It has further urged that the recommendation in para 2 of the Korea Award has application only for those existing workmen employed in the collieries in actual operation at the date of the Korea notification and as such the claim of the union for any percentage increase in terms of the said award cannot apply to the workmen of this colliery nor was it practicable to do so. The company has urged that the wages fixed by the Korea Award were fixed after fixing the increased prices of coal by the second notification which was issued on the same date as the Korea Award and it contends that as at no period this company had sold its coal at prices fixed under that notification, it was not liable to pay this increase of 12½ per cent. The company in its additional or supplementary written statement dated 17th August 1956 called upon the Federation to state (1) whether a formal claim in writing for the optional increase of 12½ per cent on the basic wages now claimed was made by the workmen at the time of their appointment or settlement of the terms and conditions of service and (2) whether according to the union this colliery at its present state of development had the capacity to pay the optional increase. Thus the company has by this supplementary written statement contended that the payment of 12½ per cent as provided by para 2 of the Korea Award was optional upon it and that there was no direction that the increase of 12½ per cent had compulsorily to be granted. The Federation in its subsequent written statement dated 24th November 1956, has in reply to this contention stated that the increase of 12½ per cent basic wages was not an optional but a statutory obligation of the employers and that the workmen had made a claim for this increase. It has further stated that this company has the capacity to meet this demand.

64. On the pleadings therefore the first issue that arises for determination on this demand is whether the direction of para 2 of the award were compulsory or optional. The word used in para 2 is 'may' and not 'shall'. The Federation has urged that the word 'may' should be read as 'shall' and it has for that purpose relied upon an earlier award dated 13th January 1954 of Shri L. P. Dave, Central Government Industrial Tribunal, Dhanbad, in Reference No. 11 of 1950 in the industrial dispute between The Chirmiri Colliery and its workmen. In that award Shri Dave had construed the word 'may' occurring in para 2 of the Korea Award as having the binding meaning of the word 'shall'. In para 14 of this Award he observed and held as follows:—

"Reading the Award as a whole and looking to the above history and the purpose for which the order was passed, I think the word 'may' clearly means 'shall' and that the managements were bound to give an increase of 12½ per cent in the basic wages to all employees who were not entitled to any increase in wages under the provisions of para 1 of the Award (Korea Award)."

The company on the other hand, relies upon the award dated 14th February 1956 of Shri P. S. Bindra, Central Government Industrial Tribunal, Dhanbad, in the dispute between Jhargrakhand Collieries Ltd. and its workmen in Reference No. 11 of 1955. In that reference the subject matter under reference was exactly the same as the present demand. In that award Shri Bindra took the view that though by the use of the word 'may' in para 2 of the Korea Award a discretion is given to the employers, but it was not to be exercised in an arbitrary or capricious manner and that it was the intention of the Korea Award to leave it to the management to work out a rational scheme of increase in the emoluments for para 2 workmen based upon a general rise of about 12½ per cent and that it was for the several colliery owners to work out what could reasonably be given to the several categories to whom the provisions of para 2 of the Korea Award applied so as to increase their wages with a ceiling of 12½ per cent.

65. From the award of Shri Bindra there was an appeal to the Labour Appellate Tribunal and on this point in para 20 of its decision the Labour Appellate Tribunal observed as follows:—

"On this subject there are two contentions. Labour contends that the word 'may' should be read as 'shall' whereas the employers state that the word 'may' gives them complete discretion even to the extent of refusing any increase. The subject is not free from difficulty; but the contention of the employers that by reason of the wording of the clause they have complete freedom in their discretion.

to pay whatever they like, and even nothing if they so choose, is quite unsustainable. Having regard to the fact that paragraph 2 refers to all other categories, piece-rated, time-rated, and everybody else, not covered by paragraph 1 of the Korea Award, it appears to us that this increase of 12½ per cent was clearly intended to grant them appropriate advances.

Thus the Labour Appellate Tribunal, whilst not giving the word 'may' the meaning of the word 'shall', has taken the view that the use of the word 'may' in para 2 does not give the employers complete freedom in their discretion to pay whatever they liked and even nothing if they so choose. The company in its written statement has taken up the stand that the grant of 12½ per cent was optional to it, that is to say that it had complete discretion whether to grant such increase or not. In view of the decision of the Labour Appellate Tribunal which is binding on me, this contention cannot be accepted.

66. The company has next contended that 12½ per cent increase provided by para 2 of the Korea Award applied only to those employees who were in the service of the collieries who were operating at the time the Korea Award came into force and that it cannot apply to this colliery as it was not operating when the Korea Award came into force and there were no employees engaged by it when the Korea Award came into force and therefore it was not practicable to apply the provisions of para 2 of the Korea Award to its workmen of the categories referred to in para 2 of the said award who have all been engaged much after the Korea Award came into force. The company in this connection relied upon letter No. JLI. Misc. 9/351 dated 12th December 1952 from the Junior Labour Inspector to the Regional Labour Commissioner, Nagpur, in which he stated that the question of granting 12½ per cent increase as provided by the Korea Award did not arise in this and some other collieries mentioned by him in his letter (Exhibit E-74). The company has also relied upon the letter from Shri R. K. Dubey, addressed to the Regional Labour Commissioner (Central), Nagpur, (Ref. No. C.W. 361/53 dated 1st March 1953) where Shri Dubey had mentioned some collieries in the Korea coalfield who were according to him liable to pay the 12½ per cent increase in basic wages so provided by the Korea Award but in which the name of this colliery was not mentioned. (Exhibit E-75).

67. The Federation on the other hand, has contended that para 2 of the Korea Award applied even to those workmen who were employed subsequent to the Korea Award, and for that purpose it has relied upon the award of Shri Dave in Reference No. 11 of 1950 of this Tribunal in the case of Chirimiri colliery and its workmen. The award of Shri Dave, however, was on remand confined to one particular class of employees namely to clerks and it does appear that as a result of that award that colliery granted increase in wages to clerks who were employed in service even after the Korea Award came into operation and also to categories of workmen other than those defined as "workmen" under the Industrial Disputes Act, 1947.

68. But the difficulty in this case is that the Federation has claimed a uniform increase of 12½ per cent on the wages paid to all employees other than those covered by para 1 of the Korea Notification and this increase is claimed on their wages which were paid to them on the date they joined the service of the colliery. Now, as the word 'may' in paragraph 2 of the Korea Award cannot be construed as meaning 'shall', the claim for a uniform increase of 12½ per cent over the basic pay paid to every workman covered by para 2 of the Korea Award cannot possibly be granted. It would be necessary to enquire as to what would be the reasonable increase to be granted taking into account the salaries and wages paid by the company to the categories of workmen covered by para 2 of the Korea Award. But no material worth the name is available for that purpose, as the Federation has based its claim for a flat general increase of 12½ per cent over the wages at which the workmen had been engaged in service. The only case that the Federation was able to establish is that certain monthly rated workmen were treated by this company as daily rated and were denied certain benefits that they were entitled to as monthly rated workmen. But in the absence of particulars about the existing wages of the various categories covered by para 2 of the Korea Award and a comparison of the same with the wages being paid to like categories in other collieries, it is not possible to decide as to what should be the fair percentage increase to grant to give effect to the underlying intention of para 2 of the Korea Award.

69. The Union has largely relied upon the report of the Labour Inspector dated 23rd November 1956 (Exhibit E-32) where he recommended that the increase of 12½ per cent should be granted in the same manner as it was granted in the Chirimiri colliery because according to him the management of this

colliery had given its workmen the existing rates of pay of the neighbouring collieries, which did not include the $12\frac{1}{2}$ per cent increase. He has in his report stated:—

“evidently the rates of wages at West Chirimiri colliery which were based on the rates of neighbouring collieries did not include $12\frac{1}{2}$ per cent increase.”

He, therefore, recommended, “the issue is to be decided on the same basis as was done in Chirimiri and New Chirimiri Ponri Hill colliery.”

70. This recommendation of the Labour Inspector is clearly based on his having interpreted para 2 of the Korea Award as granting a compulsory increase of $12\frac{1}{2}$ per cent. Besides he has not stated any particulars of the various categories of the employees covered by para 2 and what were the rates of pay being granted by this company and the rates of pay for comparable categories in other collieries in the area to determine what should be the reasonable increase to the granted.

71. The union has argued that as all the other collieries in the Korea coalfields had under the agreement arrived at in conciliation proceedings held on 17th February 1950 before the Conciliation Officer had agreed that the Korea Award was binding upon them that agreement was also binding upon this company though it was not a party to the same. By that agreement all the colliery owners had agreed that the Korea Award was binding on them and they agreed to implement the same except for a small point whether the rates given in the award in respect of loaders was for the coal loaded in loose or in solid. But even if this argument is accepted, it would not remove the difficulty of deciding what increase should be granted and for which categories of the workmen covered by paragraph 2 of the Korea Award. The whole case of the Federation has been based, as I have stated earlier, on the word “may” in paragraph 2 of the Korea Award having the meaning of ‘shall’. It has therefore not placed any materials before me to enable me to give any directions as to what would be the proper and reasonable increases to award and to which categories. In the absence of such material it is not possible to grant any relief under this demand.

72. In the result, the claim for $12\frac{1}{2}$ per cent increase fails and is rejected.

73. As the workmen have succeeded on two of the three demands under reference and as this has been protracted hearing of this dispute, I think this is a fit case where costs should be awarded. I would therefore award Rs. 300/- as costs in favour of the Federation.

(Sd.) SALIM M. MERCHANT,

Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

Dhanbad.
the 21st July 1958

[No. LR II/2(85)/55]

A. L. HANDA, Under Secy.

New Delhi, the 8th August 1958

S.O. 1666.—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), the Central Government hereby makes the following further amendments in the Coal Mines Labour Welfare Office Establishment (Contributory Provident Fund) Rules, 1951, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said rules,

- (1) in clause (b) of sub-rule (1) of rule 8, for the figures, words and brackets, “ $6\frac{1}{2}$ per cent (i.e., one anna in the rupce)”, the figures, words and brackets “ $8\frac{1}{3}$ per cent (i.e., $8\frac{1}{3}$ naye paise in the rupee)” shall be substituted;
- (2) in sub-rule (2) of rule 10, for the figures, words and brackets “ $6\frac{1}{2}$ per cent (1/16th)”, the figures, words and brackets, “ $8\frac{1}{3}$ per cent (1/12th)”, shall be substituted

The above amendments shall be deemed to have taken effect on the 1st September, 1957.

[No. M. II-1(2)58.]

S. RANGASWAMI, Under Secy.

New Delhi, the 8th August 1958

S.O. 1667.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

Amendment

In the said Scheme, sub-clause (4) of clause 8 shall be omitted.

[No. Fac. 177(1)/58.]

S.O. 1668.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

Amendment

In the said Scheme, sub-clause (4) of clause 8 shall be omitted.

[No. Fac. 177(1)/58.]

S.O. 1669.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

Amendment

In sub-clause (1) of clause 15 of the said Scheme—

(1) item (d) shall be omitted;

(2) in item (e), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and thereupon the said group shall stand dissolved from such date.”

[No. Fac. 174(3)/57.]

S.O. 1670.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

Amendment

In sub-clause (1) of clause 15 of the said Scheme—

(1) item (d) shall be omitted;

(2) in item (e), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and thereupon the said group shall stand dissolved from such date.”

[No. Fac. 174(3)/57.]

S.O. 1671.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

Amendment

In sub-clause (1) of clause 15 of the said Scheme—

(1) item (d) shall be omitted;

(2) in item (e), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and thereupon the said group shall stand dissolved from such date.”

[No. Fac. 174(3)/57.]

S.O. 1672.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

Amendment

In the said Scheme, sub-clause (4) of clause 8 shall be omitted.

[No. Fac. 177(1)/58.]

B. K. BHATTACHARYA, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 9th August 1958

S.O. 1673.—The Central Government hereby: (a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805, dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 1318, dated the 25th June, 1958 that the Advisory Panel of the Central Board of Film Censors at Madras shall consist of 21 members with effect from 19th May, 1958, 20 members with effect from 12th June, 1958 and 21 members with immediate effect;

(b) notifies for general information that the following members of the Advisory Panel of the Central Board of Film Censors at Madras retired under sub-rule (1)

of rule 10 of the Cinematograph (Censorship) Rules, 1951 with effect from the dates indicated against their names:—

1. Shri C. H. Sibchathullah—19th May, 1958.

2. Shri M. P. Periasamythooran—12th June, 1958.

(c) appoints, after consultation with the Central Board of Film Censors, Shri A. Ramesh Choudhary as a member of the Advisory Panel of the said Board at Madras with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951.

[No. F. 14/1/57-FC.]

D. R. KHANNA, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 30th July 1958

S.O. 1674.—In exercise of the powers conferred by section 7 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879) and in partial modification of the Notification of the Government of India in the Ministry of Transport No. 8C-PI(8)/57-B dated the 27th March, 1957, the Central Government hereby appoints the Flag Officer, Bombay (Representative of the Defence Services) to be a member of the Board of Trustees of the Port of Bombay in place of the Commodore-in-charge, Bombay.

[No. 8C-PG(62)/58.]

New Delhi, the 6th August 1958

S. O. 1675.—In exercise of the powers conferred by sub-section (3) of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorise Shri P. K. Patankar, Pilot, Kandla Port, to pilot in and out of the Port, move in the harbour and to berth and unberth ships upto 8,000 tons gross (inclusive of tankers) during day light hours only.

[No. 2A-PG(31)/58.]

Miss I. INDIRA, Under Secy.

(Department of Communications and Civil Aviation)

New Delhi, the 9th August 1958

S.O. 1676.—In pursuance of the provisions of sub-rule (i) of rule 48 of Order XXI in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), and in supersession of the notification of the Government of India in the late Ministry of Communications No. 6-G(28)/48 dated the 29th June, 1949, the Central Government hereby direct that notices of orders attaching the salaries or allowances of the public officers specified in Column (1) of the Schedule hereto annexed shall be sent by courts to the officer specified in the corresponding entry in column (2) of the said Schedule.

THE SCHEDULE

Office in which the judgment debtor is employed	Authorities by whom notices of attachment will be received
1	2
A—Secretariat	
Ministry of Transport and Communications (Dep'ts. of Communications and Civil Aviation).	Under Secretary, (Administration).
B—Posts and Telegraphs Department	
1. Officers employed under the administrative jurisdiction of Postmaster General, West Bengal Circle (including Regional Engineer Maintenance, organisation) Calcutta region.	Postmaster General, West Bengal Circle, Calcutta.
2. Officers employed under the administrative jurisdiction of P. M. G. Bihar Circle.	Postmaster General, Bihar Circle, Patna.
3. Officers employed under the administrative jurisdiction of P. M. G. U. P. Circle.	Postmaster General, U. P. Circle, Lucknow.
4. Officers employed under the administrative jurisdiction of P. M. G. Punjab Circle.	Postmaster General, Punjab Circle, Ambala.
5. Officers employed under the administrative jurisdiction of P. M. G. Central Circle.	Postmaster General Central, Nagpur.
6. Officers employed under the administrative jurisdiction of P. M. G. Madras Circle (including Regional Engineer Maintenance Organisation) Madras region.	Postmaster General, Madras Circle, Madras.
7. Officers employed under the administrative jurisdiction of P. M. G. Bombay Circle (including Regional Engineer Maintenance Organisation) Bombay region.	Postmaster General, Bombay Circle, Bombay.
8. Officers employed under the administrative jurisdiction of D. P. S. Delhi Circle.	Director Postal Services, Delhi Circle, New Delhi.
9. Do. D. P. T., Hyderabad Circle	Director of Posts and Telegraphs, Hyderabad Circle, Hyderabad.
10. Do. D. P. T., Assam Circle	Director of Posts and Telegraphs, Assam Circle, Shillong.
11. Do. D. P. T., Orissa Circle	Director of Posts and Telegraphs, Orissa Circle, Cuttack.
12. Do. D. P. T., Andhra Circle	Director of Posts and Telegraphs, Andhra Circle, Kurnool.
13. Do. D. P. T., Rajasthan Circle	Director of Posts and Telegraphs, Rajasthan Circle, Jaipur.
14. Do. Calcutta Telephone District and Calcutta Automotisation.	General Manager Calcutta Telephone District, Calcutta.
15. Do. General Manager, P & T Workshops, Calcutta.	General Manager, P & T Workshops, Calcutta.
16. Do. Chief Controller, Telegraphs Stores, Calcutta.	Chief Controller, Telegraph Stores, Calcutta.
17. Do. Chief Accounts Officers Telegraph Stores and Workshops, Calcutta.	Chief Controller, Telegraph Stores, Calcutta.
18. Do. Bombay Telephone District	General Manager, Telephones, Bombay.

I

2

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 19. Officers employed under the administrative jurisdiction of the Madras Telephone District. | District Manager, Madras Telephone District, Madras. |
| 20. Do. Accounts Officer Telephone Revenue (North) Delhi/(Central) Delhi/Nagpur/Lucknow/Patna/(Baroda), Shillong/Delhi. | Accounts Officer Telephone Revenue (Central) Delhi/Nagpur/Lucknow/Patna/Shillong/(Baroda), Delhi. |
| 21. Officer employed under the administrative jurisdiction of the Additional Chief Engineer T & D Circle. | Additional Chief Engineer T & D Circle Jabalpur. |
| 22. Do. Suptd. P & T Forms and Seals Aligarh. | Suptd. Postal Seals, Aligarh. |
| 23. Do. Deputy Director of Postal Life Insurance, Calcutta. | Deputy Director, Postal Life Insurance, Calcutta. |
| 24. Do. Principal, P & T Training Centre, Saharanpur | Principal, P & T Training Centre, Saharanpur. |
| 25. Do. Office of the Director General of Posts and Telegraphs, New Delhi. | Director General of Posts and Telegraphs, New Delhi. |
| 26. Officer employed under the administrative jurisdiction of Delhi Telephone District (including Regional Engineer Maintenance, organisation) Delhi region. | District Manager Telephones, Delhi. |
| 27. Officers employed under the administrative jurisdiction of the Superintendent P & T Forms Store, Calcutta. | Superintendent P & T Forms Store Calcutta. |

C—Civil Aviation Department

- | | |
|------------------------------------------------------|-----------------------------|
| 1. Office of the Director General of Civil Aviation. | Director of Administration. |
|------------------------------------------------------|-----------------------------|

Delhi—

- | | |
|-----------------------------------------------------------|-----------------------------------------------------------------------|
| 2. Office of the Controller of Ae: Inspection, New Delhi. | Controller of Aeronautical Inspection, Safdarjung Airport, New Delhi. |
|-----------------------------------------------------------|-----------------------------------------------------------------------|

Uttar Pradesh—

- | | |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 3. Office of the Principal, Civil Aviation Training Centre, Bamrauli, Allahabad. | Principal, Civil Aviation Training Centre, Bamrauli, Allahabad. |
| 4. Gliding Centre, Allahabad | Do. |
| 5. Office of the Officer-in-charge Aeronautical Inspection, Bamrauli, Allahabad. | Senior Aircraft Inspector, Inspection Office, Bamrauli, Allahabad. |

Bombay—

- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------|
| 6. Office of the Controller of Ae: Inspection, Bombay Airport, Bombay. | Controller of Aeronautical Inspection Bombay Airport, Bombay. |
| 7. Gliding Centre, Poona | Controller of Aerodromes, Bombay Region, Bombay. |

West Bengal—

- | | |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 8. Office of the Controller of Ae: Inspection, Calcutta Airport, Calcutta. | Controller of Aeronautical Inspection, Calcutta Airport, Calcutta. |
| 9. Office of the Officer-in-charge, Aeronautical Inspection, Barrackpore. | Senior Aircraft Inspector, Aeronautical Inspection Office, Barrackpore. |

Hyderabad—

- | | |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 10. Office of the Officer-in-charge, Aeronautical Inspection, Begumpet, Hyderabad (Dn.). | Senior Aircraft Inspector, Aeronautical Inspection Office, Begumpet, Hyderabad. |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|

I

2

Mysore—

- | | |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 11. Office of the Director, Inspection, Office, Hindustan Aircraft Ltd., P. O., Bangalore. | Director, Inspection Office, Hindustan Aircraft Ltd., P.O., Bangalore. |
| 12. Gliding Centre, Bangalore | Do. |
| 13. Office of the Officer-in-charge, Ac. Inspection Office, Patna. | Aircraft Inspector, Inspection Office, Patna. |
| 14. Office of the Officer-in-Charge, Ac. Inspection Office, Nagpur. | Aircraft Inspector, Inspection Officer, Nagpur. |

Madras—

- | | |
|------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 15. Office of the Officer-in-charge, Aeronautical Inspection Office, Madras. | Senior Aircraft Inspector, Aeronautical Inspection Office, Madras. |
|------------------------------------------------------------------------------|--------------------------------------------------------------------|

*Communication Organisation***Delhi Region:**

- | | |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1. Office of the Controller of Communication, Delhi Region, New Delhi. | Controller of Communication, Delhi Region, New Delhi. |
| 2. Office of the Controller, Central Radio Stores Depot, New Delhi. | Controller, Central Radio Stores Depot, New Delhi. |
| 3. Office of the Controller, Radio Construction and Development Units, New Delhi. | Controller, Radio Construction and Development Units, New Delhi. |
| 4. A.C.S., New Delhi | Officer-in-charge, ACS, New Delhi. |
| 5. A.C.S., Gwalior | Officer-in-charge, ACS, Gwalior. |
| 6. A.C.S., Allahabad | Officer-in-charge, ACS, Allahabad. |
| 7. A.C.S., Jodhpur | Officer-in-charge, ACS, Jodhpur. |
| 8. A.C.S., Lucknow | Officer-in-charge, ACS, Lucknow. |
| 9. A.C.S., Amritsar | Officer-in-charge, ACS, Amritsar. |
| 10. A.C.S., Jaipur | Controller of Communication, Delhi Region, New Delhi. |
| 11. A.C.S., Lalitpur | Do. |
| 12. A.C.S., Babatpur | Officer-in-charge, ACS, Allahabad. |
| 13. A.C.S., Kanpur | Officer-in-charge, ACS, Lucknow. |
| 14. A.C.S., Kotah | Controller of Communication, Delhi Region, New Delhi. |
| 15. A.C.S., Pathankot | Do. |
| 16. A.C.S., Chandigarh | Do. |
| 17. A.C.S., Jammu | Do. |
| 18. A.C.S., Udaipur | Do. |
| 19. A.C.S., Mandasaur | Do. |

Calcutta Region

- | | |
|---------------------------------------------------------------------------|---------------------------------------------------------|
| 20. Office of the Controller of Communication, Calcutta Region, Calcutta. | Controller of Communication, Calcutta Region, Calcutta. |
| 21. A.C.S., Calcutta | Officer-in-charge, ACS, Calcutta. |
| 22. A.C.S., Jharsuguda | Officer-in-charge, ACS, Jharsuguda. |
| 23. A.C.S., Bhubaneswar | Officer-in-charge, ACS, Bhubaneswar. |
| 24. A.C.S., Gauhati | Officer-in-charge, ACS, Gauhati. |
| 25. A.C.S., Patna | Officer-in-charge, ACS, Patna. |
| 26. A.C.S., Mohanbari | Officer-in-charge, ACS, Mohanbari. |
| 27. A.C.S., Agartala | Officer-in-charge, ACS, Agartala. |

1	2
28. A.C.S., Chakulia	Controller of Communication, Calcutta Region, Calcutta.
29. A.C.S., Tezpur	Do.
30. A.C.S., Kumbhirgram	Do.
31. A.C.S., Asansol	Do.
32. A.C.S., Ranchi	Do.
33. A.C.S., Muzaffarpur	Do.
34. A.C.S., Imphal	Do.
35. A.C.S., Kathmandu	Do.
36. A.C.S., Bagdogra	Officer-in-charge, ACS, Bagdogra.
37. A.C.S., Gaya	Officer-in-charge, ACS, Gaya.
38. A.C.S., Balurghat	Controller of Communication, Calcutta Region, Calcutta.
39. A.C.S., Chandernagore	Do.
40. A.C.S., Berhampore	Do.
41. A.C.S., Baruipur	Do.
42. A.C.S., Telepara	Do.
43. A.C.S., Kailashahar	Do.
44. A.C.S., Kamalapur	Do.
45. A.C.S., North Lakhimpore	Do.
46. A.C.S., Khowai	Do.
47. A.C.S., Passighat	Do.
48. A.C.S., Cooch-Behar	Do.
49. A.C.S., Gorakhpur	Do.
50. A.C.S., Rupsi	Do.
51. A.C.S., Port Blair	Do.

Madras Region

52. Office of the Controller of Communication, Madras, Region Madras.	Controller of Communication, Madras Region Madras.
53. A.C.S., Madras	Officer-in-charge, A.C.S., Madras.
54. A.C.S., Visakhapatnam	Officer-in-charge, A.C.S., Visakhapatnam.
55. A.C.S., Begumpet	Officer-in-charge, A.C.S., Begumpet.
56. A.C.S., Tiruchirapalli	Officer-in-charge, A.C.S., Tiruchirapalli.
57. A.C.S., Coimbatore	Officer-in-charge, A.C.S., Coimbatore.
58. A.C.S., Bangalore	Officer-in-charge, A.C.S., Bangalore.
59. A.C.S., Vijayawada	Officer-in-charge, A.C.S., Vijayawada.
60. A.C.S., Trivandrum	Controller of Communication, Madras Region, Madras.
61. A.C.S., Warangal	Do.
62. A.C.S., Cochin	Officer-in-charge, A.C.S., Cochin.
63. A.C.S., Mangalore	Controller of Communication, Madras Region, Madras.
64. A.C.S., Madurai	Do.

Bombay Region.

65. Office of the Controller of Communication, Bombay, Region, Bombay.	Controller of Communication, Bombay Region, Bombay.
66. A.C.S., Bombay	Officer-in-charge, A.C.S., Bombay.

1	2
67. A.C.S., Bhopal	Officer-in-charge, ACS, Bhopal.
68. A.C.S., Ahmedabad	Officer-in-charge, ACS, Ahmedabad.
69. A.C.S., Jamnagar	Officer-in-charge, ACS, Jamnagar.
70. A.C.S., Nangpur	Officer-in-charge, ACS, Nagpur.
71. A.C.S., Jalialpur	Do.
72. A.C.S., Indore	Controller of Communication, Bombay Region, Bombay
73. A.C.S., Bhuj	Do.
74. A.C.S., Aurnagabad	Officer-in-charge, ACS, Aurangabad.
75. A.C.S., Raipur	Officer-in-charge, ACS, Raipur.
76. A.C.S., Akola	Controller of Communication, Bombay Region, Bombay.
77. A.C.S., Rajkot	Do.
78. A.C.S., Porbander	Do.
79. A.C.S., Keshod	Do.
80. A.C.S., Bhavnagar	Do.
81. A.C.S., Baroda	Do.
82. A.C.S., Belgaum	Do.

Air Routes & Aerodrome Organisation

1. Office of the Controller of Aerodromes Delhi Region, Safdarjung Airport, New Delhi. Controller of Aerodromes, Delhi Region.
2. Office of the Controller of Aerodromes, Bombay Region, Juhu Airport, Bombay-23. Controller of Aerodromes Bombay Region.
3. Office of the Controller of Aerodromes, Madras Region, Airport P.O., Madras-27. Controller of Aerodromes, Madras Region.
4. Office of the Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum. Controller of Aerodromes, Calcutta Region.
5. Office of the Electrical & Mechanical Officer, Safdarjung, Airport, New Delhi. Electrical and Mechanical Officer.
6. Office of the Aerodromes Officer Civil Aerodrome, Begumpet, (Hyderabad Dn). Aerodrome Officer.
7. Office of the Officer-in-charge, Civil Aerodrome, Vijayawada (Andhra State). Controller of Aerodromes, Madras Region.
8. Office of the Aerodrome Officer, Civil Aerodrome, Visakhapatnam, (Andhra State) Officer-in-charge, Aeronautical Communications Station and Aerodromes.
9. Office of the Aerodrome Officer, Civil Aerodrome Cuddapah (Andhra State). Controller of Aerodromes, Madras Region.
10. Office of the Aerodrome Officer, Civil Aerodrome, Donakota (Andhra State). Do.
11. Office of the Aerodrome Officer, Civil Aerodrome, Gauhati (Assam). Aerodrome Officer.
12. Office of the Officer-in-charge, Civil Aerodrome, Khumbirgram, P.O. Khumber, Distt. Chachar (Assam). Controller of Aerodromes, Calcutta Region.
13. Office of the Aerodrome Officer, Civil Aerodrome, Mohanbari (Assam). Aerodrome Officer.
14. Office of the Aerodrome Officer, Civil Aerodrome, Rupsi (Assam). Controller of Aerodromes, Calcutta Region.
15. Office of the Officer-in-charge, Civil Aerodrome, Tezpur, (Assam). Do.
16. Office of the Officer-in-charge, Civil Aerodrome, Lilabari, North Lakhimpore (Assam). Do.
17. Office of the Officer-in-charge, Civil Aerodrome, Passighat (Assam). Do.

1

2

-
- | | |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 18. Office of the Aerodrome Officer, Civil Aerodrome, Patna (Bihar). | Aerodrome Officer. |
| 19. Office of the Aerodrome Officer, Civil Aerodrome, Gaya (Bihar). | Aerodrome Officer. |
| 20. Office of the Officer-in-charge, Civil Aerodrome, P.O. Minoo, Ranchi (Bihar). | Controller of Aerodromes, Calcutta Region. |
| 21. Office of the Aerodrome Officer, Civil Aerodrome, Rawaghata, Muzaffarpur, (Bihar). | Do. |
| 22. Office of the Aerodrome Officer Civil Aerodrome, Santacruz, Airport, Bombay. | Aerodrome Officer. |
| 23. Office of the Aerodrome Officer, Civil Aerodrome Juhu, Bombay. | Aerodrome Officer. |
| 24. Office of the Aerodrome Officer, Civil Aerodrome, Ahmedabad. | Aerodrome Officer. |
| 25. Office of the Officer-in-charge, Civil Aerodrome, Chakulia (Bihar). | Controller of Aerodromes, Calcutta Region |
| 26. Office of the Aerodrome Officer, Civil Aerodrome, Aurangabad, (Hyderabad Dn.) | Controller of Aerodromes, Bombay Region. |
| 27. Office of the Officer-in-charge, Civil Aerodrome, Baroda (Bombay State). | Controller of Aerodromes, Bombay Region. |
| 28. Office of the Aerodrome Officer, Civil Aerodrome, Bhavnagar (Bombay State). | Aerodrome Officer. |
| 29. Office of the Aerodrome officer, Civil Aerodrome, Bhuj, (Cutch State). | Aerodrome Officer. |
| 30. Office of the Officer-in-charge, Civil Aerodrome, Junagadh (Bombay State). | Controller of Aerodromes, Bombay Region. |
| 31. Office of the Officer-in-Charge, Civil Aerodrome, Porbander (Bombay State). | Do. |
| 32. Office of the Aerodrome Officer, Civil Aerodrome, Jamnagar (Bombay State). | Do. |
| 33. Office of the Aerodrome Officer, Civil Aerodrome, Rajkot (Bombay State). | Aerodrome Officer. |
| 34. Office of the Officer-in-charge Civil Aerodrome, Akola (Madhya Pradesh). | Controller of Aerodromes, Bombay Region. |
| 35. Office of the Aerodrome Officer, Civil Aerodrome, Nagpur. | Aerodrome Officer. |
| 36. Office of the Aerodrome Officer, Civil Aerodrome, Trivandrum, (Kerala). | Aerodrome Officer. |
| 37. Office of the Aerodrome Officer, Civil Aerodrome, Cochin. | Controller of Aerodromes, Madras Region. |
| 38. Office of the Aerodrome Officer, Civil Aerodrome, Bhopal. | Aerodrome Officer. |
| 39. Office of the Officer-in-charge, Civil Aerodrome, Indore (Madhya Pradesh). | Controller of Aerodromes, Bombay Region. |
| 40. Office of the Officer-in-charge, Civil Aerodrome, Jabalpur. | Officer-in-Charge. |
| 41. Office of the Officer-in-Charge, Civil Aerodrome, Raipur (Madhya Pradesh). | Controller of Aerodromes, Bombay Region. |
| 42. Aeronautical Communication Station, Civil Aerodrome, Maharajpur, Gwalior. | Officer-in-Charge, Aeronautical Communication Station & Aerodromes. |
| 43. Office of the Aerodrome Officer, Civil Aerodrome, Airport P.O. Madras,—27. | Aerodrome Officer. |
| 44. Office of the Aerodrome Officer Civil Aerodrome, Trichirappalli. | Aerodrome Officer. |
| 45. Office of the Aerodrome Officer, Civil Aerodrome, Coimbatore (Madras State). | Officer-in-charge Aeronautical Communication Station & Aerodromes. |
-

1

2

46. Office of the Officer-in-Charge, Civil Aerodromes, Madura (Madras).	Controller of Aerodromes, Madras Region.
47. Office of the Officer-in-Charge, Civil Aerodromes, Ramnad (Madras).	Do.
48. Office of the Officer-in-Charge, Civil Aerodrome Vellore (Madras)	Do.
49. Office of the Officer-in-Charge, Civil Aerodrome, Mysore.	Do.
50. Office of the Officer-in-Charge, Civil Aerodrome, Sambre, Belgaum, (Bombay).	Controller of Aerodromes, Bombay Region.
51. Office of the Aerodrome Officer, Civil Aerodrome, Rajpe, Mangalore (Madras State).	Aerodrome Officer.
52. Office of the Aerodrome Officer, Civil Aerodrome, Bangalore.	Officer-in-Charge, Aeronautical Communication Station & Aerodromes.
53. Aeronautical Communication Station, Civil Aerodrome, Cuttack (Bhubaneswar)	Officer-in-Charge, Aeronautical Communication Station & Aerodromes.
54. Office of the Officer-in-Charge, Civil Aerodrome, Jharsuguda (Orissa).	Controller of Aerodromes, Calcutta Region.
55. Office of the Aerodrome Officer, Civil Aerodrome, Amritsar.	Aerodrome Officer.
56. Office of the Officer-in-Charge, Civil Aerodrome, Chandigarh.	Controller of Aerodromes, Delhi Region.
57. Office of the Aerodrome Officer, Civil Aerodrome, Pathankot. (East Punjab).	Aerodrome Officer.
58. Office of the Aerodrome Officer, Civil Aerodrome, Jaipur.	Aerodrome Officer.
59. Office of the Aerodrome Officer, Civil Aerodrome, Jodhpur.	Controller of Aerodromes, Delhi Region.
60. Office of the Aerodrome Officer, Civil Aerodrome, Udaipur.	Do.
61. Office of the Officer-in-Charge, Civil Aerodrome, Kotah.	Do.
62. Office of the Aerodrome Officer, Civil Aerodrome, Bamrauli, Allahabad.	Aerodrome Officer.
63. Office of the Aerodrome Officer, Civil Aerodrome, Banaras.	Aerodrome Officer.
64. Office of the Aerodrome Officer, Civil Aerodrome, Amausi, Lucknow.	Aerodrome Officer.
65. Office of the Officer-in-Charge, Civil Aerodrome, Izatnagar, Bareilly.	Officer-in-Charge.
66. Office of the Officer-in-Charge, Civil Aerodrome, Kusmi, Gorakhpur.	Controller of Aerodromes, Calcutta Region.
67. Office of the Aerodrome Officer, Civil Aerodrome, Kanpur.	Aerodrome Officer.
68. Office of the Officer-in-Charge, Civil Aerodrome, Lalitpur.	Controller of Aerodromes, Delhi Region.
69. Office of the Officer-in-Charge, Civil Aerodrome, Saharanpur.	Controller of Aerodromes, Delhi Region.
70. Office of the Aerodrome Officer, Calcutta Airport, Dum Dum.	Aerodrome Officer.
71. Office of the Aerodrome Officer, Civil Aerodrome, Bagdogra (Assam).	Aerodrome Officer.
72. Office of the Officer-in-Charge, Civil Aerodrome, Balurghat, (West Bengal).	Controller of Aerodromes, Calcutta Region.
73. Office of the Aerodrome Officer, Civil Aerodrome, Cooch-Bihar (West Bengal).	Aerodrome Officer.

1	2
74. Office of the Officer-in-Charge, Civil Aerodrome, Asansol (West Bengal).	Controller of Aerodromes, Calcutta Region.
75. Office of the Aerodrome Officer, Civil Aerodrome, Barrackpore.	Do.
76. Office of the Aerodrome Officer, Civil Aerodrome, Palam Airport, New Delhi.	Aerodrome Officer.
77. Office of the Aerodrome Officer, Civil Aerodrome, Safdarjung Airport, New Delhi.	Aerodrome Officer.
78. Office of the Aerodrome Officer, Civil Aerodrome, Agartala (Tripura State).	Aerodrome Officer.
79. Office of the Officer-in-Charge, Civil Aerodrome, Kamalpur (Tripura State).	Controller of Aerodromes, Calcutta Region
80. Office of the Officer-in-Charge, Civil Aerodrome, Kailashahar (Tripura State).	Do.
81. Office of the Officer-in-Charge, Civil Aerodrome, Khowai (Tripura State).	Do.
82. Office of the Officer-in-Charge, Civil Aerodrome, Belonia (Tripura State).	Do.
83. Office of the Officer-in-Charge, Civil Aerodrome, Imphal (Assam).	Do.

D—India Meteorological Department

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------|
| <p>1. (a) Office of the Director General of Observatories, New Delhi-3 (<i>Delhi</i>).
 (b) Office of the Deputy Director General of Observatories (Administration), New Delhi-3 (<i>Delhi</i>).
 (c) Office of the Meteorologist, Civil Aviation Training Centre, Bamrauli, Allahabad (<i>U. P.</i>)
 (d) Hydro-meteorological Observatories at Kathmandu (<i>Nepal</i>), Taplejung (<i>Nepal</i>), Okhaldunga (<i>Nepal</i>), Gangtok (<i>Sikkim</i>), Mukhim (<i>U. P.</i>) & Tehri (<i>U.P.</i>)</p> | } | <p>Director General of Observatories, New Delhi-3.</p> |
| <p>2. Office of the Deputy Director General of Observatories (Climatology and Geophysics) Poona-5 (<i>Bombay</i>).</p> | } | <p>Deputy Director General of Observatories (Climatology & Geophysics), Poona-5.</p> |
| <p>3. (a) Office of the Deputy Director General of Observatories (Instruments), New Delhi-3 (<i>Delhi</i>).
 (b) Office of the Director, Instrument Section, Meteorological Office, Poona-5 (<i>Bombay</i>).
 (c) Hydrogen Factory, Agra, (<i>U. P.</i>)</p> | } | <p>Deputy Director General of Observatories (Instruments), New Delhi-3.</p> |
| <p>4. (a) Office of the Deputy Director General of Observatories (Forecasting), Poona-5 (<i>Bombay</i>).
 (b) Meteorological Communication Centre, Bombay, (<i>Bombay</i>.)</p> | } | <p>Deputy Director General of Observatories (Forecasting), Poona-5.</p> |

I

2

5. Office of the Deputy Director General of Observatories, Kodaikanal Observatory, Kodaikanal (*Madras*). } Deputy Director General of Observatories, Kodaikanal Observatory, Kodaikanal.

6. Office of the Director, Regional Meteorological Centre, Colaba, Bombay (*Bombay*) and Meteorological Offices at :

Santacruz (*Bombay*)
 Ahmedabad (*Bombay*).
 Juhu (*Bombay*).
 Baroda (*Bombay*).
 Sholapur (*Bombay*).
 Surat (*Bombay*).
 Kolhapore (*Bombay*).
 Bhuj (*Bombay*).
 Vengurla (*Bombay*).
 Veraval (*Bombay*).
 Chikalthana (*Bombay*).
 Bhavnagar (*Bombay*).
 Rajkot (*Bombay*).
 Poona (*Bombay*).
 Alibag (*Bombay*).
 Keshod (*Bombay*).
 Porbandar (*Bombay*).

} Director, Regional Meteorological Centre,
 Colaba, Bombay.

7. Office of the Director, Regional Meteorological Centre, Alipore, Calcutta. (*West Bengal*) and Meteorological Offices & Observatories at

Dum Dum (*West Bengal*)
 Gaya (*Bihar*)
 Jamshedpur (*Bihar*)
 Jharsuguda (*Orissa*)
 Patna (*Bihar*)
 Port Blair (*Andaman*)
 Gopalpur (*Orissa*)
 Assansol (*West Bengal*)
 Tezpur (*Assam*)
 Barrackpore (*West Bengal*)
 Mohanbari (*Assam*)
 Gauhati (*Assam*)
 Agartala (*Tripura*)
 Bhagalpore (*Bihar*)
 Bagdogra (*West Bengal*)
 Bhubaneswar (*Orissa*)
 Katmandu (*Nepal*)
 Imphal (*Manipur*)
 Ranchi (*Bihar*)
 Kumbhigram (*Assam*)
 Pasighat (*Assam*)
 Kailashar (*Assam*)
 North Lakhimpur (*Assam*)
 Cooch Behar (*West Bengal*)
 Rupsi (*Assam*)
 Darjeeling (*West Bengal*)

} Director, Regional Meteorological Centre,
 Alipore, Calcutta.

I

2

8. Office of the Director, Regional Meteorological Centre, Madras (*Madras*) and the Meteorological Offices at :

Bangalore (*Mysore*)
 Visakhapatnam (*Andhra*)
 Cuddalore (*Madras*)
 Gannavaram (*Andhra*)
 Nellore (*Andhra*)
 Salem (*Madras*)
 Coimbatore (*Madras*)
 Vellore (*Madras*)
 Anantapore (*Andhra*)
 Mangalore (*Mysore*)
 Tiruchi (*Madras*)
 Minicoy (*Madras*)
 Trivandrum (*Kerala*)
 Kozhikode (*Kerala*)
 Meenambakkam (*Madras*)
 Gadag (*Mysore*)
 Begumpet (*Andhra*)
 Belgaon (*Mysore*)
 Sambre (*Mysore*)

Director, Regional Meteorological Centre,
 Madras.

9. Office of the Director, Regional Meteorological Centre, Nagpur (*Bombay*) and Meteorological Offices at :

Bairagarh (*Madhya Pradesh*)
 Indore (*Madhya Pradesh*)
 Akola (*Bombay*)
 Gwalior (*Madhya Pradesh*)
 Jabbalpore (*Madhya Pradesh*)
 Raipur (*Madhya Pradesh*)
 Jagdalpur (*Madhya Pradesh*)
 Satna (*Madhya Pradesh*)
 Guna (*Madhya Pradesh*)
 Pendra Road (*Madhya Pradesh*)
 Sonagaon (*Bombay*)

Director, Regional Meteorological Centre,
 Nagpur.

10. Office of the Director, Regional Meteorological Centre, New Delhi (*Delhi*) and the Meteorological Offices at :

Safdarjung (*Delhi*)
 Amausi (*U.P.*)
 Bamrauli (*U.P.*)
 Babatpur (*U.P.*)
 Amritsar (*Punjab*)
 Jaipur (*Rajasthan*)
 Ambala (*Punjab*)
 Bikaner (*Rajasthan*)
 Udaipur (*Rajasthan*)
 Bareilly (*U.P.*)
 Gorakhpur (*U.P.*)
 Jodhpur (*Rajasthan*)
 Barmer (*Rajasthan*)
 Hissar (*Punjab*)
 Srirangnagar (*Rajasthan*)
 Srinagar (*Jammu and Kashmir*)
 Gulmarg (*Jammu and Kashmir*)
 Banihal (*Jammu and Kashmir*)
 Kabul (*Afghanistan*)
 Kandhar (*Afghanistan*)
 Dehra Dun (*U.P.*)
 Qazigund (*Jammu and Kashmir*)
 Mussoorie (*U.P.*)
 Kotah (*Rajasthan*)

Director, Regional Meteorological Centre,
 New Delhi-3.

I

2

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------|
| 11. Office of the Director, Colaba and Alibag Observatories, Colaba, Bombay and Observatory at Alibag (<i>Bombay</i>). | } | Director, Colaba and Alibag Observatories, Bombay. |
| 12. Office of the Director, Agricultural Meteorology, Meteorological Office, Poona-5 (<i>Bombay</i>). | | Director, Agricultural Meteorology, Meteorological Office, Poona-5. |
| 13. Office of the Seismologist, Central Seismological Observatory, Meath Home, Shillong (Assam, and Seismological Observatory at Bokaro (<i>Bihar</i>). | } | Seismologist, Central Seismological Observatory, Meath Home, Shillong, (<i>Assam</i>). |
| | | |

E.—Railway Inspectorate

- | | |
|-----------------------------------------------------------------------|---------------------------------------------------------|
| 1. Office of the Chief Govt. Inspector of Railways, Simla. | Chief Government Inspector of Railways. |
| 2. Office of the Govt. Inspector of Railways, Bombay. | Chief Govt. Inspector of Railways, Simla-3. |
| 3. Office of the Govt. Inspector of Railways, Calcutta. | Chief Govt. Inspector of Railways, Simla-3. |
| 4. Office of the Govt. Inspector of Railways Lucknow (at Calcutta). | Chief Govt. Inspector of Railways, Simla-3. |
| 5. Office of Govt. Inspector of Railways Bangalore. | Chief Govt. Inspector of Railways, Simla-3. |
| (1) Office of the Chief Govt. Inspector of Railways, Simla. | Chief Govt. Inspector of Railways, Simla-3. |
| (2) Office of the Govt. Inspector Railways, Bombay. | The Govt. Inspector of Railways, Bombay. |
| (3) Office of the Government Inspector of Railways, Calcutta. | The Govt. Inspector of Railways, Calcutta. |
| (4) Office of the Govt. Inspector of Railways, Lucknow (at Calcutta). | The Govt. Inspector of Railways Lucknow, (at Calcutta). |
| (5) Office of the Govt. Inspector of Railways, Bangalore. | The Government Inspector of Railways, Bangalore. |

F.—Overseas Communications Service

- | | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| (1) O.C.S. Head Office, Radio House, Apollo Bunder, <i>Bombay-1</i> . | } | The Director General, Govt. of India, Overseas Communications Service, Radio House, Apollo Bunder, <i>Bombay</i> . |
| (2) O.C.S. Central Traffic Office, Flora Fountain, Fort, <i>Bombay</i> . | | |
| (3) O.C.S. Beam Wireless Station, <i>Poona-6</i> | | |
| (4) O.C.S., <i>New Delhi</i> | | |
| (5) O.C.S., <i>Calcutta</i> | | |
| (6) O.C.S., <i>Madras</i> | | |
| (7) O.C.S., Beam Wireless Station, <i>Dhond</i> | | |
| (1) Overseas Communications Service, Head Office, <i>Bombay-1</i> . | The Director General, Govt. of India Overseas Communications Service, Radio House, Apollo Bunder, <i>Bombay-1</i> . | |
| (2) Overseas Communications Service, Central Traffic Office, <i>Bombay-1</i> . | The Engineer-in-Charge, Government of India Overseas Communications Service, CTO, Buildings., Flora Fountain, <i>Bombay. 1</i> . | |
| (3) Overseas Communications Service, Beam Wireless Station, <i>Poona-6</i> . | The Engineer-in-Charge, Government of India, Overseas Communications Service, Beam Wireless Station, <i>Poona-6</i> . | |
| (4) Overseas Communications Services, <i>New Delhi</i> . | The Director Government of India Overseas Communications Service, A-Barracks, Jan Path, <i>New Delhi</i> . | |

1	2
(5) Overseas Communications Service, <i>Calcutta</i>	The Director, Government of India, Overseas Communications Service, Narayani Building, Brabourne Road, <i>Calcutta</i> .
(6) Overseas Communications Service, <i>Madras</i>	The Engineer-in-Charge, Government of India, Overseas Communications Service No. 39, Muker Nallamuthu Street, <i>Madras</i> .—
(7) Overseas Communications Service, Beam Wireless Station, <i>Dhond</i> .	The Engineer-in-Charge, Government of India, Overseas Communications Service, Beam Wireless Station, <i>Dhond</i> .

[No. 2-CD(54)/55.]

D. S. NIM, Under Secy.

(Departments of Communications and Civil Aviation)

ORDER

New Delhi, the 8th August 1958

SUBJECT:—Grant of relaxation from the provisions of the Indian Aircraft Rules for purpose of extension of Aircraft Maintenance Engineers' licences.

S.O. 1677.—In pursuance of rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for a period of one year from the date of this order, the persons mentioned below, holding an Aircraft Maintenance Engineer's licence in one or more categories, viz., A, B, C and X valid for the airframe and/or engines and/or variable pitch propellers for a twin-engined transport (Dakota or Viking) aircraft and applying for an extension thereof to cover the airframe and/or engine and/or V. P. Propellers of Viscount aircraft, from the operation of the provisions of paragraph 1 of each of sub-section I, II, III and XI of Section 'F' of Schedule III to the said rules:—

Name	Licence No.	Category details
1. Shri K.L. Tandon	158	<p>A All single engined aircraft with an all-up weight not exceeding 4000 lbs., Beechcraft 17 & 18 series, DH-86 & 89, DC-2 & DC-3 and Viking.</p> <p>B DC-3, Viking.</p> <p>C All normally aspirated air-cooled piston engines not exceeding 250 B.H.P., Jacobs L-5, Lycoming R-680, P & W R-985, R-1830 and Wright Cyclone Single Row Series.</p> <p>X Installation and Compensation of Direct Reading Compasses.</p>
2. Shri M.G. Bedi	633	<p>A DC-3.</p> <p>B DC-3, Viking.</p> <p>C Lycoming O-435 and P&W R-1830.</p>

2. The concession mentioned above will be available subject to the following conditions, namely:—

- An Aircraft Maintenance Engineer holding a licence in Categories 'A' and/or 'C' on the airframe and/or engine of a twin-engined transport (Dakota or Viking) aircraft has successfully completed the manufacturers' course of instruction on the Viscount aircraft and/or

its engines and has gained maintenance experience for a total period of not less than two months including the manufacturers' course.

- (b) An Aircraft Maintenance Engineer holding a licence in categories 'B' and/or 'D' on the airframe and/or engine of a twin-engined transport (Dakota or Viking) aircraft has successfully completed the manufacturers' course of instruction on the Viscount aircraft and/or its engines and has gained practical experience on the construction or overhaul of such aircraft or engines for a period of not less than two months in the case of Category B and four months in the case of Category 'D', including the manufacturers' course.
- (c) An Aircraft Maintenance Engineer holding a licence in Category 'X' on variable pitch propellers as fitted to Dakota or Viking aircraft has completed the manufacturers' course on the type of V.P. propellers installed on Viscount aircraft and has gained practical experience on the construction or overhaul of such propellers for a total period of not less than two months including the manufacturers' course.

[No. AR/1937(44) No. F. 10-A/49-58]

D. R. KOHLI, Under Secy.

(Posts and Telegraphs)

New Delhi, the 23rd July 1958

S.O. 1678.—In exercise of the powers conferred by section 7 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Communications No. T-2/153/50 Part II dated the 10th May, 1951, namely:—

In the Annexure to the said notification,—

- (i) in the entries under the heading "Divisional Engineer Telegraphs".
 - (a) the entry relating to the Divisional Engineer Telegraphs, New Delhi, shall be omitted;
 - (b) in the entry relating to the Divisional Engineer Telegraphs, Calcutta, for the word "Calcutta", the words "City Division, Calcutta" shall be substituted;
 - (c) the following entries shall be inserted at the end, namely:—
 - "do, Upper Assam
 - do, Calcutta West
 - do, Bombay City
 - do, Jaipur
 - do, Madura
 - do, Trichur";
- (ii) in the entries under heading "Divisional Engineer Wireless".
 - (a) for the entry "Divisional Engineer Wireless, P. & T. Directorate, New Delhi", the entry "Divisional Engineer Wireless, Delhi Wireless Division, Delhi" shall be substituted;
 - (b) the following entry shall be inserted at the end, namely:—
 - "Divisional Engineer Wireless, Bombay Wireless Division, Poona";
- (iii) in the entries under heading "Assistant Engineer Wireless",
 - (a) in the entry relating to Assistant Engineer Wireless, C.E.W.'s office, Calcutta, for the words "C.E.W.'s office, Calcutta", the words "D.E.W.'s office, Calcutta Wireless Division, Calcutta" shall be substituted;
 - (b) In the entry relating to Assistant Engineer Wireless, P. & T. Directorate, New Delhi, for the words "P. & T. Directorate, New Delhi" the words "Delhi Monitoring Station, Delhi" shall be substituted;

(c) the following entries shall be inserted at the end namely:—

“Assistant Engineer Wireless, D.E.W.’s office, Delhi Wireless Division, Delhi;

Assistant Engineer Wireless, D.E.W.’s office, Bombay Wireless Division, Poona.”

(iv) The following entries shall be omitted, namely:—

“Officer-in-Charge Travancore Telephone Group Travancore”;

“Officer-in-Charge Hyderabad Telephone Division Hyderabad Deccan”;

“Sub-Divisional Officer, Wireless Hyderabad Deccan”;

(v) For the entry “Assistant Divisional Engineer Telegraphs Jalpaiguri” the entry “Sub-Divisional Officer, Telegraphs Jalpaiguri shall be substituted:

[No. 20-46/57-W.T.]

B. G. DESHMUKH, Under Secy.

